

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL GENERAL

DOCKET 96 PAGE 264 CASE NO. 91CG3033 CATEGORY: APPEAL

ATTORNEYS

IN THE MATTER OF THE APPLICATION OF WARREN J. HAYS, SR., ET AL FOR A ZONING RECLASSIFICATION FROM D. R. 3.5 TO B.L. ON PROPERTY LOCATED ON THE NORTHEAST CORNER OF GIBBONS BOULEVARD & GREENSIDE DRIVE 8TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

Stephen J. Orens
Stuart D. Kaplow
Frank, Bernstein, Conaway & Goldman
Ste. 1700 - 300 E. Lombard St. (02)
625-3775

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
DENISE SVICH
ROBERT DESHONG
DAVID AND ANN JORDAN
STEPHEN AND JUDY WEBER

Peter Max Zimmerman, Deputy People's
Room 304, County Office Bldg
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TRANSCRIPT IN BASEMENT
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97/16/P

(1) July 16, 1991 - Appellants' Order for Appeal from the Decision of the County Board of Appeals of Balto. Co. fd. #R-91-116

(2) July 18, 1991 - Certificate of notice, fd

(3) July 26, 1991 - Appellants' Petition on appeal, fd

(4) Aug. 13, 1991 - Transcript fd. (located in G-1)

(5) Aug. 13, 1991 - Notice of Filing of Record fd. Copies sent.

(6) Aug. 20, 1991 App. of PETER MAX ZIMMERMAN for the Protestants' and same day Motion to dismiss appeal, with Request for Hearing, fd

(7) Aug. 26, 1991 - Order to Change the Address of Stephen J. Orens & Stuart D. Kaplow for the Pliffs' fd.

(8) Sept. 9, 1991 - Appellant's Response to Motion to dismiss Appeal, fd

(9) October 28, 1991 Hon. John F. Fader, II. Hearing had. Motions Ruling to be filed.

(10) Oct. 30, 1991 - Defts' Answer to Petition of Appeal, fd.

(11) Nov 4, 1991 - Motions Ruling - Protestants' Motion to Dismiss (paper #6) is Denied w/o Prejudice to refile fd. (JFF,II)

JUN 10 1994

DISMISSED FOR LACK OF
JUSTIFICATION OR RECONSIDERATION WITHOUT
PREJUDICE TO REFILE WITHIN 60 DAYS

96 264 91CG3033

CASE NO. 91-CG-3033
Warren J. Hays, Sr. v. People's Counsel
RECEIVED FROM THE COUNTY BOARD OF APPEALS
EXHIBITS, BOARD'S RECORD EXTRACT & TRANS-
SCRIPT FILED IN THE ABOVE-ENTITLED CASE,
AND ZONING COMMISSIONER'S FILE & EXHIBITS.

Date: 8/13/91

Clerk's Office

WARREN J. HAYS, SR. * IN THE
and * CIRCUIT COURT
ANNE J. HAYS * FOR BALTIMORE COUNTY
Appellants * Case No.: 91 CG 3033
v. * 96/264
BALTIMORE COUNTY, MARYLAND *
Appellee *

STIPULATION OF DISMISSAL

It is stipulated and agreed by and between the parties that the above-captioned matter be dismissed with prejudice, each party to bear its own cost and the Appellants to bear any outstanding costs.

Stuart D. Kaplow
Frank, Bernstein, Conaway and
Goldman
Suite 1700
300 E. Lombard Street
Baltimore, Maryland 21202
(410) 625-3775

Attorney for Appellants

Peter Max Zimmerman, Deputy
People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-2188

Attorney for Appellees

CLERK'S OFFICE
January 29, 1992

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WRITER'S DIRECT NUMBER
(301) 887-3775

January 29, 1992
The Honorable James T. Smith, Jr.
Judge of the Circuit Court
401 Bosley Avenue
Towson, Maryland 21204-0754

Re: Warren J. Hays, Sr. et ux
v. Baltimore County
Case No.: 91 CG 3033 96/264

Dear Judge Smith:

Please find attached an original Stipulation of Dismissal in the above-noted matter.

I have had this original couriered to your chambers as this matter is scheduled for a hearing before you on Thursday, January 30, 1992 and your clerk has the file.

Thanking you in advance for your courtesies, should there be any difficulty with this stipulation or should you have any questions, or course, do not hesitate to give me a call.

Sincerely,

Stuart D. Kaplow

SDK:tlg
Enclosures
cc: Peter Max Zimmerman, Esquire

CLERK'S OFFICE
January 29, 1992

Case No. 91-CG-3033 (R-91-116) Warren J. Hays, Sr., et al 2

May 14 Hearing before the Board of Appeals; continued to Day #2 /June 4, 1991.

June 4 Day #2; hearing completed before the Board of Appeals.

June 18 Opinion and Order of the Board DENYING the Petition for Reclassification.

July 16 Order for Appeal filed in the Circuit Court for Baltimore County by Stephen J. Orens, Esquire, and Stuart D. Kaplow, Esquire, Frank, Bernstein, Conaway and Goldman, on behalf of Warren J. Hays, Sr., and Anne J. Hays, Petitioners.

July 18 Certificate of Notice sent to interested parties.

July 26 Petition to accompany appeal filed in the Circuit Court by Counsel for Mr. & Mrs. Hays.

August 13 Transcript of testimony filed.

Petitioners' Exhibit No. 1 -Copy of Zoning Petition.

" " No. 2 -Photographs
a. Trailer stand, van w/customers
b. Trailer stand, van w/street and customers
c. Night shot trailer /van /customers

" " No. 3 -3/28/91 ltr from Sung Ho Lee

" " No. 4 -Petitions gathered by Petitioners (8 pages) from neighborhood.

" " No. 5 -Petitions 1987 gathered by Petitioners (86 pages) from customers.

" " No. 6 -5/09/91 ltr from Elizabeth Panto.

" " No. 7 -5/11/91 ltr from Rea Hurwitz.

Case No. 91-CG-3033 (R-91-116) Warren J. Hays, Sr., et al 3

Petitioner's Exhibit No. 8 -Documented Site Plan 8/29/90.

" " No. 9 -Environmental Impact Statement.

" " No. 10 -Photograph -office building.

Joint Exhibit No. 1 -Board of Appeals file.

People's Counsel Exhibit No. 1 -List of correspondence and dates (2 pgs).

" " No. 2 -Pkg of exhibits (27 pgs).

" " No. 3 -Ltr from Stephen Weber to Wm. Hackett 5/9/91 & accompanying marked map.

" " No. 4 -1988 Issues Map.

" " No. 5 -a. Ltr from citizens 5/8/91 to Co Atty (2 pgs.).
b. 6-pg pkg 5/7/91 Office of Law Opinion, etc.

" " No. 6 -Map.

" " No. 7 -Photographs
a. Greenside Dr N from Gibbons
b. east on Gibbons
c. Greenside Dr N from Gibbons
d. Van illegally parked on Gibbons
e. Greenside Dr from SE corner of Gibbons
f. View from NE corner of Hays site
g. "No Parking" sign in front of Hays site
h. SE corner, Greenside & Gibbons

" " No. 8 -Photographs
a. Hays residence from west
b. Gibbons Blvd east of Hays site
c. west side of Greenside

WARREN J. HAYS, SR., ET UX, IN THE CIRCUIT COURT
Appellants FOR BALTIMORE COUNTY
v. CASE NO. 91-CG-3033
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, ET AL.,
Appellees

ANSWER TO PETITION OF APPEAL

People's Counsel for Baltimore County, et al., Protestants below and Appellees herein, in answer to the Petition of Appeal, state:

1. Appellees admit the allegation made and contained in Paragraph No. 1. of said Petition.
2. Appellees deny the allegations made and contained in Paragraphs No. 2. through 6. of said Petition.
3. In further answer, Appellees state that the decision of the County Board of Appeals was supported by legally competent and sufficient evidence and was correct.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 30th day of October, 1991, a copy of the foregoing Answer to Petition of Appeal was mailed to Stephen J. Orens, Esquire, and Stuart D. Kaplow, Esquire, Suite 1700, 300 E. Lombard St., Baltimore, MD 21202.

Peter Max Zimmerman
Peter Max Zimmerman

IN THE MATTER OF THE APPLICATION * IN THE
OF WARREN J. HAYS, SR., ET AL * CIRCUIT COURT
FOR A ZONING RECLASSIFICATION * FOR
ON PROPERTY LOCATED ON THE * BALTIMORE COUNTY
NORTHEAST CORNER GIBBONS BLVD. *
AND GREENSIDE DRIVE *
FROM D.R. 3.5 TO B.L. (.30 ACRE) *
8TH ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT *
WARREN J. HAYS, SR. AND * Folio No. 264
ANNE J. HAYS, PLAINTIFFS *
CASE NO. R-91-116 * File No. 91-CG-3033

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Harry E. Buchheister, Jr., and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. R-91-116
August 31, 1990 Petition filed by Stuart D. Kaplow, Esquire, on behalf of Warren J. Hays, Sr., and Anne Hays for a zoning reclassification from D.R. 3.5 to B.L. (.30 acre) on the subject property.
March 26, 1991 Documented Site Plan submitted to County Board of Appeals at public hearing.
March 29 Comments from Baltimore County Zoning Plans Advisory Committee.
April 11 Publication in newspapers.
April 26 Certificate of Posting of property.

Case No. 91-CG-3033 (R-91-116) Warren J. Hays, Sr., et al 2

May 14 Hearing before the Board of Appeals; continued to Day #2 /June 4, 1991.

June 4 Day #2; hearing completed before the Board of Appeals.

June 18 Opinion and Order of the Board DENYING the Petition for Reclassification.

July 16 Order for Appeal filed in the Circuit Court for Baltimore County by Stephen J. Orens, Esquire, and Stuart D. Kaplow, Esquire, Frank, Bernstein, Conaway and Goldman, on behalf of Warren J. Hays, Sr., and Anne J. Hays, Petitioners.

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" " No. 7 -5/11/91 ltr from Rea Hurwitz.

Case No. 91-CG-3033 (R-91-116) Warren J. Hays, Sr., et al 4

d. site of proposed driveway, trees to be removed
e. easterly view, Gibbons
f. Hays residence

People's Counsel Exhibit No. 9 -Fuji video tape as photographed by Witness Deshong.

" " No. 10 -Padonia Elementary PTA Minutes Executive Board 4/18/91.

August 13, 1991 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant
County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 (301) 887-3180

cc: Stephen J. Orens, Esquire
Stuart D. Kaplow, Esquire
Mr. & Mrs. Warren J. Hays, Sr.
People's Counsel for Baltimore County

WARREN J. HAYS, SR.
38 Gibbons Blvd.
Baltimore, MD 21030
and
ANNE J. HAYS
38 Gibbons Blvd.
Baltimore, MD 21030
Appellants
v.
BALTIMORE COUNTY, MARYLAND
c/o Office of the
County Attorney
Old Court House
Towson, MD 21204
Appellee

PETITION OF APPEAL

WARREN J. HAYS, SR., et ux., Appellants, by their undersigned counsel, file this Petition Of Appeal pursuant to Maryland Rule B2(e) and state as follows:

1. This action is an appeal from the Opinion and Order of the County Board of Appeals of Baltimore County (the "Board") in the matter of Case No. R-91-116. The Opinion and Order of the Board was issued on June 18, 1991. On July 16, 1991, WARREN J. HAYS, SR., et ux., Appellants filed an Order For Appeal in this Court.

2. Appellants are aggrieved parties as the petitioners before the Board and the property owners whose property interests are or will be adversely affected by the Opinion and Order of the Board.

91-116 62 JUL 16

FILED IN BALTIMORE COUNTY

3. The Opinion of the Board is devoid of findings of fact and reasoned analysis which support its Opinion and Order as required by law.

4. The Opinion and Order of the Board is devoid of any reference at all to the variance from the provisions of the Baltimore County Zoning Regulations requested in the Appellant's application.

5. The Board erred in denying the application of the Appellants for a zoning reclassification and zoning variances.

6. The Opinion and Order of the Board in denying the relief requested was arbitrary, capricious and otherwise contrary to law.

WHEREFORE, Appellants request that this Court:

A. Reverse the Opinion of the Board;

B. Remand the action to the Board for further proceedings; and

C. Such other and further relief as the nature of this cause may require.

Stephen J. Orens

Stuart D. Kaplow
Frank, Bernstein, Conaway and
Goldman
Suite 630
210 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 821-3103

Attorneys for Appellants

Certificate of Service

I HEREBY CERTIFY that on this 26 day of July, 1991, prior to filing the foregoing Petition of Appeal was mailed to the Board of Appeals, 222 W. Chesapeake Avenue, Towson, Maryland 21204 and to the Office of the County Attorney, Old Court House, Towson, Maryland 21204.

Stuart D. Kaplow

28942.015
PET-APP-01

IN THE MATTER OF THE
THE APPLICATION OF
WARREN J. HAYS, SR., ET AL
FOR A ZONING RECLASSIFICATION
FROM D.R. 3.5 TO B.L. ON PROPERTY
LOCATED ON THE NORTHEAST CORNER
GIBBONS BOULEVARD AND GREENSIDE
DRIVE (.30 ACRES)
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
WARREN J. HAYS, SR. AND
ANNE J. HAYS, PLAINTIFFS
CASE NO. R-91-116

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
CG Doc. No. 96
Folio No. 264
File No. 91-CG-3033

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Harry E. Buchheister, Jr., and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Stephen J. Orens, Esquire, and Stuart D. Kaplow, Esquire, Frank, Bernstein, Conaway and Goldman, Suite 630, 210 W. Pennsylvania Avenue, Towson, MD 21204, Counsel for Plaintiffs; Warren J. Hays, Sr., and Anne J. Hays, 38 Gibbons Boulevard, Timonium, MD 21093, Plaintiffs; Phyllis C. Friedman, People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer,
Administrative Assistant
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180

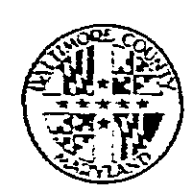
-3-

Warren J. Hays, Sr., et al
Case No. R-91-116 /CC# 91-CG-3033

2.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Stephen J. Orens, Esquire, and Stuart D. Kaplow, Esquire, Frank, Bernstein, Conaway and Goldman, Suite 630, 210 W. Pennsylvania Avenue, Towson, MD 21204, Counsel for Plaintiffs; Warren J. Hays, Sr., and Anne J. Hays, 38 Gibbons Boulevard, Timonium, MD 21093, Plaintiffs; Phyllis C. Friedman, People's Counsel for Baltimore County, 111 W. Chesapeake Avenue, Room 304, Towson, Maryland 21204; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204, on this 18th day of July, 1991.

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer,
Administrative Assistant
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 18, 1991

Phyllis C. Friedman
People's Counsel for Baltimore County
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. R-91-116
Warren J. Hays, Sr., et al

Dear Ms. Friedman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: James Earl Kraft
P. David Fields
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, Director
of Zoning Administration



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 18, 1991

Stephen J. Orens, Esquire
Stuart D. Kaplow, Esquire
FRANK, BERNSTEIN, CONAWAY
AND GOLDMAN
Suite 630
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. R-91-116
Warren J. Hays, Sr., et al

Dear Counsel:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you, in time to transmit same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. & Mrs. Warren J. Hays, Sr.

IN THE MATTER OF THE
THE APPLICATION OF WARREN
J. HAYS, SR., ET AL
FOR A ZONING RECLASSIFICATION
FROM D. R. 3.5 TO B.L.
ON PROPERTY LOCATED ON THE
NORTHEAST CORNER OF GIBBONS
BOULEVARD & GREENSIDE DRIVE
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY
BOARD OF APPEALS
OF BALTIMORE COUNTY
CASE NO: R-91-116
Item #10, CYCLE IV
1990-1991

ORDER FOR APPEAL

Madam Clerk:

Please enter an appeal on behalf of WARREN J. HAYS, SR. and ANNE J. HAYS, Appellants, by their undersigned counsel, from the Opinion and Order of the County Board of Appeals of Baltimore County in the above-captioned matter, known as case no. R-91-116, dated June 18, 1991.

Stephen J. Orens

Stuart D. Kaplow
Frank, Bernstein, Conaway and
Goldman
Suite 630
210 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 821-3103

Attorneys for Appellants

91-116 62 JUL 15

Certificate of Service

I HEREBY CERTIFY that on this ____ day of July, 1991, prior to filing the foregoing Order of Appeal, a copy was hand-delivered to the Board of Appeals, 222 W. Chesapeake Avenue, Towson, Maryland 21204 and to the Office of the County Attorney, Old Court House, Towson, Maryland 21204.

Stuart D. Kaplow

28942.015
080-APP.02

-2-

IN THE MATTER OF THE * BEFORE THE COUNTY
THE APPLICATION OF WARREN * BOARD OF APPEALS
J. HAYS, SR., ET AL *
FOR A ZONING RECLASSIFICATION * OF BALTIMORE COUNTY
FROM D.R. 3.5 TO B.L. *
ON PROPERTY LOCATED ON THE * CASE NO. R-91-116
NORTHEAST CORNER OF GIBBONS * Item #10, CYCLE IV
BOULEVARD & GREENSIDE DRIVE * 1990-1991
8TH ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT * * * * *

OPINION

This matter comes before the Board as a Petition for Zoning Reclassification, seeking a change from the existing D.R. 3.5 classification to B.L. zoning. The property of .3 acre is located on the northeast corner of Gibbons Boulevard at Greenside Drive in the Fourth Councilmanic District of Baltimore County. The property is owned by the Petitioner, Warren J. Hays, Sr., and is currently being occupied as a family residence. Petitioners were represented by Stuart D. Kaplow, Esquire. The Office of People's Counsel was represented by Peter Max Zimmerman, Esquire. The hearing on this matter was two days in length.

When considering Petitions for Reclassification, this Board is governed by Section 2-58(j) of the Baltimore County Code which states, in essence, that before any property may be reclassified, the Board must find that there has occurred substantial change in the character of the neighborhood, or that the last classification of the property was established in error.

Petitioners presented a Documented Site Plan for the proposed reclassification merging two seasonal retail uses with the residence by altering the existing building and installing appropriate signage, lighting and parking spaces. Petitioners have

Warren J. Hays, Sr., et al, Case No. R-91-116 2

resided on the site since 1956. Thomas E. Hays, son of the Petitioners, testified that he and his brothers began operating a snowball stand on the site in 1977 to supplement their college finances. The operation has continued since that time with seasonal sale of Christmas trees, wreaths and decorations added to the snowball sales. The Hays' grandchildren have since become involved in the operation and a number (up to 18) of part-time student employees have been hired. Mr. Hays further testified that the retail operation was moved off-site in 1987 as a result of a complaint filed with the County Office of Zoning. It is currently situated in a trailer which is stored on the subject property and placed curbside on Greenside Drive north of Gibbons Boulevard for daily operation. The retail operations cannot be continued on the subject site unless its zoning is reclassified to B.L. Mr. Hays testified that the neighborhood, known as Timonium Heights, is essentially residential with an office building located directly across the street, Padonia Elementary School, and a County Library branch in the immediate vicinity. On cross-examination, Mr. Hays stated that he sought a reclassification of the property under the Comprehensive Zoning Map Process in 1988.

George E. Gavrelis, accepted by the Board as an expert witness in land planning, testified on behalf of the Petitioners. Mr. Gavrelis testified that the subject site is in a transitional area, "just at the edge of an R.O. zone," which is appropriate for B.L. classification. He pointed out that the Documented Site Plan in evidence provides severely restricted use of the site, without

Warren J. Hays, Sr., et al, Case No. R-91-116 3

adding buildings; landscape buffers are included; and that hours of operation are limited to 11 a.m. to 11 p.m. from May 1 through October 5 and December 1 through December 24, annually. Mr. Gavrelis further testified that while B.L. zoning would allow 56,610 square feet of retail space, the Documented Site Plan limits retail space to 2,127 square feet. He also opined that an error had been made in the 1988 Comprehensive Zoning Map review because the County Council did not (in fact, could not, by law) consider the Documented Site Plan and because the use was already on site. Mr. Gavrelis, in his capacity as a land-use expert, further stated that the proposed zoning offered no compromise to the health, safety and general welfare of the community; that it was in keeping with the concept of the County's Master Plan; and that the use was appropriate for a Community Conservation Area. The Planning Board has recommended the approval of reclassification within the constraints of the Documented Site Plan.

Mr. Thomas Hays was then recalled for continued cross-examination. Responding to questions by People's Counsel, he stated that neither he nor his brothers who are the operators of the business reside on the subject property. He also testified that some products - ice, flavors, cups and spoons - are sold from the site to other snowball retailers.

Mr. Kaplow proffered that Stanley Kennedy, a neighbor residing four doors west of the subject site, was unable to appear at this hearing, but would have testified in favor of the Petitioners' request.

Warren J. Hays, Sr., et al, Case No. R-91-116 4

John Cook of The Traffic Group, accepted as an expert by the Board, testified that he had conducted a study of the site and surrounding streets. In his opinion, traffic in the area would not be increased by the B.L. use since the business is already in operation. Mr. Cook's study revealed that all signalized intersections in the immediate area are operating at acceptable levels and that the closes "F" level intersection - York and Padonia Roads - is on a highly developed business corridor. Mr. Cook further testified that the B.L. classification and its required on-site parking would remove some cars from the traffic pattern while the drivers were patronizing the business, thus relieving traffic and parking congestion.

People's Counsel began its case with the testimony of Arnold F. Keller, III, Deputy Director of Planning for Baltimore County. Mr. Keller testified that his agency's review of the Petition did not find adequate reasons to reclassify the subject property. The 1989 Master Plan supports residential use of the site as part of its Community Conservation precept. While the Petitioner has been "innovative" in developing his Documented Site Plan, the agency feels the alterations to the site are not appropriate to a residential neighborhood. Mr. Keller further testified that there is no commercial development in the area except the R.O. office building earlier described. He added that the Planning Office staff is of the opinion that the Petitioner's only viable option is to relocate the business in a nearby commercial zone.

Stephen Weber, a neighbor and registered professional

Warren J. Hays, Sr., et al, Case No. R-91-116 5

engineer, then testified. Mr. Weber is employed by the County's Bureau of Traffic Engineering but his testimony is that of a private citizen. Mr. Weber stated his concerns that reclassification of the Hays property, located at "the gateway to residential Timonium Heights," would open the community to further commercial intrusion. The R.O. site serves as a buffer between the heavily developed York - Padonia corridor and the residential neighborhood. Mr. Weber then described traffic and parking patterns in the neighborhood, continued violation of posted parking restrictions by customers of the current operation, and traffic hazards caused by those customers.

Robert Underwood of 45 Gibbons Boulevard, 2 doors from the Hays property, testified that his residence is situated above the subject site. Customers of the retail operation, when it was located on-site as well as at its current location, use private driveways to turn around on Gibbons Boulevard and violate posted parking restrictions. Mr. Underwood feels that a reclassified commercial operation on the Hays property would increase traffic problems in the neighborhood.

Robert E. Fink of 18 Gibbons Boulevard, a retired police officer, testified to the physical limitations of Greenside Drive which curves "sharply" above Gibbons Boulevard and has a posted speed limit of 25 miles per hour. Mr. Fink testified that parked cars whose drivers are customers of the retail operation often block sight lines and force residents to pull out into Gibbons Boulevard under unsafe conditions. He further testified that cars

Warren J. Hays, Sr., et al, Case No. R-91-116 6

parked legally and illegally reduce road clearance to 8', 8". He measured the width of a County ambulance at 8' not counting extension of sideview mirrors. Mr. Fink expressed concern that larger emergency vehicles could not access the community.

Other neighbors testifying in opposition to the Petition were; Ann Jordan, 120 Gibbons Boulevard; Ann S. Haltenberger, 23 Gibbons Boulevard; David W. MacCubbin, 115 Gibbons Boulevard; Denise Buck, 34 Gibbons Boulevard; and Bernice Swecker, 103 Gibbons Boulevard. Each expressed their concerns for traffic, parking, and commercial intrusion into a residential neighborhood should the Petition be granted.

In closing, Petitioner argued that the presented Documented Site Plan offers a highly restricted property use consistent with the tenants of the County's Master Plan. The retail operation has been located in the neighborhood for 14 years and will not be expanded by the proposed reclassification. Petitioner further argued that traffic and parking in the area have increased due to growth and development, particularly of the nearby library and adjacent R.O. office site, not Petitioners' retail operation. The Section 2-58(j) requirement of demonstration of error is not met in this situation because the Council could not consider a Documented Site Plan as part of the Comprehensive Zoning Map Process. Petitioner further argues that the Board of Appeals is the only County agency which is permitted, by law, to tie rezoning to a Documented Site Plan (re: People's Counsel v. Mockert).

People's Counsel then argued that the Petition is a request to

Warren J. Hays, Sr., et al, Case No. R-91-116 7

continue a use not permitted by law on a residential site. The requested zoning is incompatible with the neighborhood which has no commercial or business zoning except the R.O. buffer site described. People's Counsel further argued that no error exists in the current zoning classification because the County Council cannot, by law, consider Documented Site Plans during the Comprehensive Zoning Map Review Process. Further, the Documented Site Plan now in evidence for the subject property did not exist at the time of the 1988 Council review when this property was an issue. The next review is slated in 1992, when this site could once again be designated an issue for review. People's Counsel believes an issue of this magnitude to a residential community should be in the hands of the County Council.

The Board finds as a fact that no error exists in the classification of the subject property as D.R.3.5. It is clearly located in a stable residential neighborhood, meeting the parameters of a Community Conservation Area. While the Hays' commercial operation on and off-site seems, at face value, to be a simple family-operated small business, the Board finds as a fact that it is a business which has expanded through the years and is not appropriate to this neighborhood. Despite the restrictive Documented Site Plan, granting B.L. zoning to this property would be an intrusion into the residential nature of the neighborhood and would, the Board finds, produce increased hazards to public safety and welfare.

Warren J. Hays, Sr., et al, Case No. R-91-116

8

For the reasons indicated above, this Board shall deny the Petition for Reclassification.

ORDER

IT IS THEREFORE this 18th day of June, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification of the .3 acre from D.R. 3.5 to B.L. as shown on the Documented Site Plan, be and the same is hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

Lynn B. Moreland
Lynn B. Moreland



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

June 18, 1991

Stuart D. Kaplow, Esquire
Frank, Bernstein, Conaway & Goldman
Suite 630
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. R-91-116 (Warren J. Hays, Sr., et al)

Dear Mr. Kaplow:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Warren J. Hays, Sr. and Anne Hays
Mr. James Earl Kraus
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

IN THE MATTER OF THE PETITION
FOR RECLASSIFICATION FROM D.R. 3.5
TO B.L. ZONE : BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
NE Corner Gibbons Blvd. & Greenside
Dr., 8th Election District
4th Councilmanic District
WARREN J. HAYS, SR., et ux,
Petitioners : Zoning Case No. R-91-116
(Item 10, Cycle IV)

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices of hearing and other proceedings in this case as well as the passage of any preliminary or final Order should be sent to this office.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 11th day of March, 1991, a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow, Esquire, Frank, Bernstein, Conaway & Goldman, Suite 630, 210 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
COUNTY BOARD OF APPEALS
91 MAR 11 AM 11:59

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 3.5 zone to an BL zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for N/A

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Section 232.2.b. to permit a side yard setback, for the existing building, of 8 feet in lieu of the maximum required 15 feet.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: (Type or Print Name) _____
Signature _____
Address _____
City and State _____

Legal Owner(s):
Warren J. Hays, Sr.
(Type or Print Name)
Signature *Warren J. Hays, Sr.*
Anne Hays
(Type or Print Name)
Signature *Anne J. Hays*

Attorney for Petitioner:
Stuart D. Kaplow
(Type or Print Name)
Signature *Stuart D. Kaplow*
Frank, Bernstein, Conaway & Goldman
Suite 630
210 W. Pennsylvania Ave.
Towson, MD 21204
City and State
Attorney's Telephone No.: 821-3103

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Stuart D. Kaplow
Name Frank, Bernstein, Conaway & Goldman
Suite 630
210 W. Pennsylvania Ave., 821-3103
Address
Towson, MD 21204 Phone No.

BALCO-Form 1

STATEMENT FOR PETITION FOR ZONING RECLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

The Hays Family
Greenside Drive Property

The Petitioners, owners of the subject property, are hereby requesting a zoning reclassification of that property from a DR 3.5 zone to a BL zone, for the following reasons:

This property is located on the northeast corner of Gibbons Boulevard and Greenside Drive in the Cockeysville section of Baltimore County. Warren and Anne Hays have owned the property since 1956. In the mid 1970s, the Hays' children built a snowball stand on the property and began selling snowballs to the neighborhood. This venture thrived, helping to fund the children's college education. In 1984, the Hays' children and grandchildren expanded their efforts to the winter season by selling Christmas wreaths.

In March, 1987, the snowball stand was removed in response to a complaint filed by a single area resident who raised the issue of a possible zoning violation. Subsequent sales activities have continued in a trailer located in the street adjacent to the property through the use of a roadside vendor's license.

There has occurred a substantial change in the character of the neighborhood in which the subject property is located since the property was classified originally such that the prospective reclassification of the property is warranted by that change:

That the character of the neighborhood is no longer residential where the property is increasingly impacted by the office building located across Gibbons Boulevard and the host of other nonresidential uses that range from an automobile dealership to a major shopping center and a library. The increasing traffic impact of Greenside Drive serves to make the property untenable for a residential use.

The last classification of the property as within a DR 3.5 zoning district was established in error such that the prospective reclassification of the property is warranted by that error:

That population trends; availability and adequacy of present and proposed transportation facilities; water supply facilities; sewerage; solid waste disposal facilities; recreational facilities; other public facilities; and the compatibility of a snowball stand use, (including incidental

seasonal sales), are factors demonstrating the lack of anticipation by the County Council of the trends of development and increased and demonstrated demand for a snowball stand in the immediate area, coupled with the desirability of that use acting as a buffer to prevent the spread and encroachment of more intensive commercial uses into residential areas such serve to demonstrate an error in the existing zoning.

That the Council erred during the 1988 Comprehensive Rezoning Process in placing that portion of the subject property that was before it for a rezoning in a residential zone because they failed to take into account that in toto the six adjacent lots comprising the Hays property, (that are the subject of this Petition), are unsuitable for residential development. That the Council failed to take into account the fact that the subject property had been used for commercial purposes since the mid 1970s and that the Petitioner's only intent is to continue the snowball stand use (including incidental seasonal sales).

Based upon the overwhelming support of the neighborhood, combined with the nonresidential uses concentrated in this area of the community, (including office buildings, car dealerships, and major shopping centers), and upon a finding that there has occurred a substantial change in the character of the neighborhood and/or that the zoning classification of the property was established in error, it is respectfully requested that the Petition to Reclassify this property from DR 3.5 to BL be granted.

Respectfully Submitted,

Stuart D. Kaplow
Stuart D. Kaplow
Frank, Bernstein, Conaway & Goldman
Suite 630
210 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 821-3103
Attorney for the Petitioners

28942/015
Stationer, 01

2

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 3.5 zone to an BL zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: (Type or Print Name) _____
Signature _____
Address _____
City and State _____

Legal Owner(s):
Warren J. Hays, Sr.
(Type or Print Name)
Signature *Warren J. Hays, Sr.*
Anne Hays
(Type or Print Name)
Signature *Anne J. Hays*

Attorney for Petitioner:
Stuart D. Kaplow
(Type or Print Name)
Signature *Stuart D. Kaplow*
Frank, Bernstein, Conaway & Goldman
Suite 630
210 W. Pennsylvania Ave.
Towson, MD 21204
City and State

Attorney's Telephone No.: 821-3103

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Stuart D. Kaplow
Name Frank, Bernstein, Conaway & Goldman
Suite 630
210 W. Pennsylvania Ave., 821-3103
Address
Towson, MD 21204 Phone No.

BALCO-Form 1

DAVE ANDERSON PARKER, INC. 200 East Pennsylvania Avenue Towson, Maryland 21204 301 296 3333 FAX 301 296 4705
Land Planning & Development Consultants

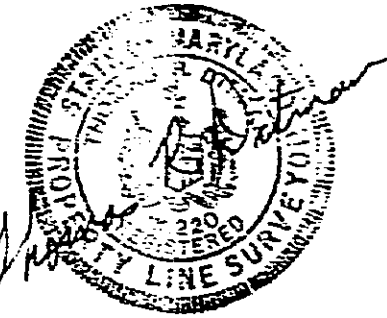


Land Planning
Engineering
Landscape Architecture
Surveying
Community Design
Graphics

Description
To Accompany a Petition for Zoning Reclassification
0.30 of an Acre Parcel
North Side of Gibbons Boulevard
East Side of Greenside Drive
Eighth Election District, Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Greenside Drive, 70 feet wide, with the centerline of Gibbons Boulevard, 40 feet wide, (1) Southeasterly 84 feet, more or less, measured along the centerline of Gibbons Boulevard, and thence running (2) Northeasterly at right angles to said centerline 20 feet, more or less, thence leaving said point of beginning and the north side of Gibbons Boulevard and running and binding on the east side of Greenside Drive, referring all courses of this description to the meridian established on Baltimore County Bureau of Land Acquisition Plat RW 68-148-2, the following courses and distances, viz: (1) North 05 degrees 47 minutes 53 seconds East 5.00 feet, thence (2) North 84 degrees 12 minutes 20 seconds West 23.83 feet, thence (3) North 39 degrees 12 minutes 20 seconds West 35.36 feet, and thence (4) North 05 degrees 47 minutes 40 seconds East 96.01 feet, thence leaving the east side of Greenside Drive and running (5) South 84 degrees 12 minutes 20 seconds East 108.85 feet and thence (6) South 05 degrees 47 minutes 53 seconds West 126.00 feet to intersect said north side of Gibbons Boulevard, thence running and binding thereon (7) North 84 degrees 12 minutes 20 seconds West 60.00 feet to the point of beginning; containing 0.30 of an acre of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.
August 29, 1990
Project No. 90106 (190106)



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: Ed Date of Posting: 4/26/91
Posted for: Relocation - (Garvey & Kennedy)
Petitioner: Warren J. Hays, Sr., Esq.
Location of property: NE corner, Gibbons Blvd. & Kennedy Dr.
Location of Sign: Relocation - (Garvey & Kennedy)
Opposite 20' E. 700' W. on property of petitioner
Remarks: None
Posted by: M. Hays Date of return: 7/2/91
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/15, 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11, 1991

THE JEFFERSONIAN,

S. Zeke Orlem
Publisher

\$196.68

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/15, 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11, 1991

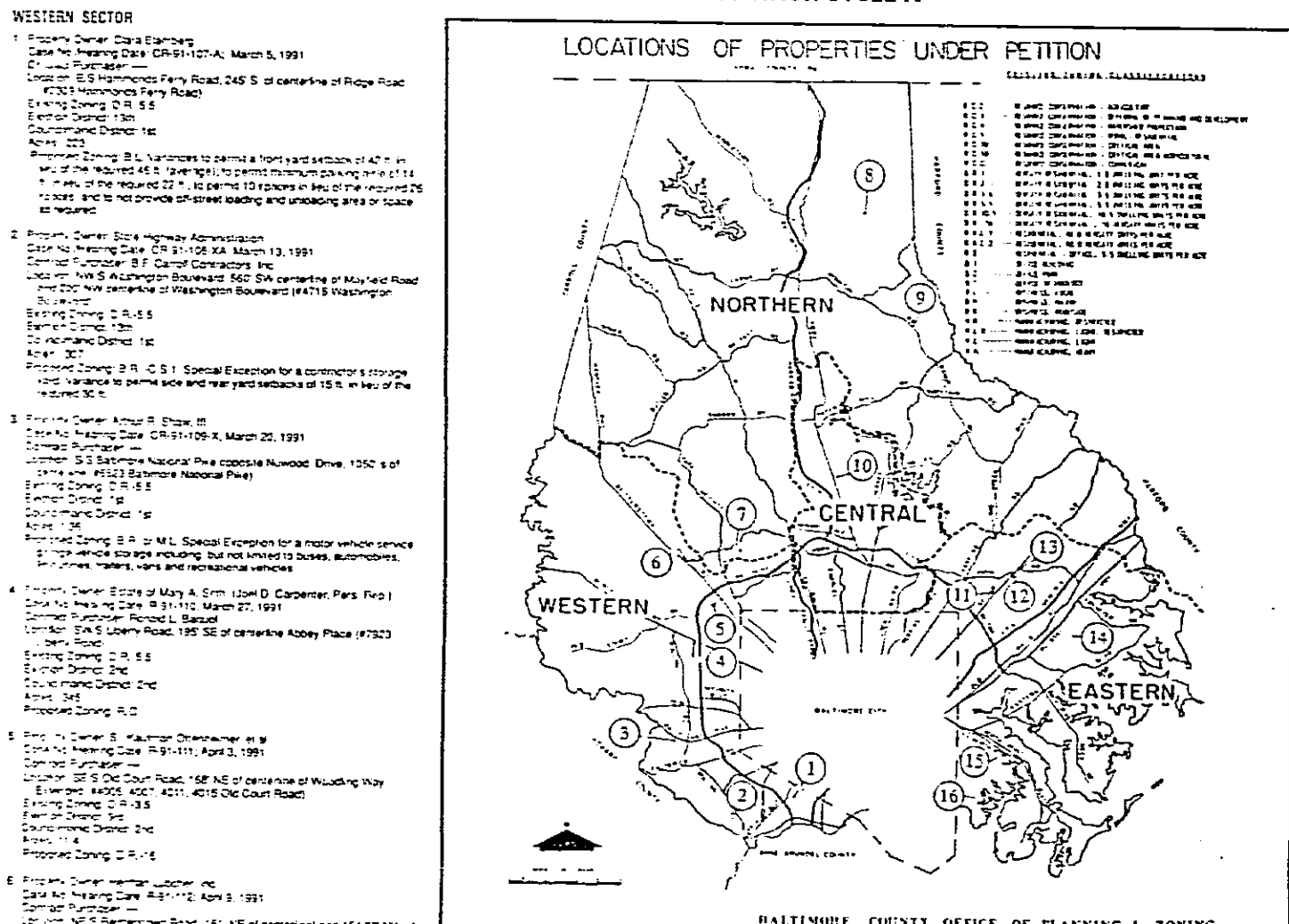
TOWSON TIMES,

S. Zeke Orlem
Publisher

\$196.68
\$574.39

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1990 - APRIL, 1991 ZONING RECLASSIFICATION CYCLE IV



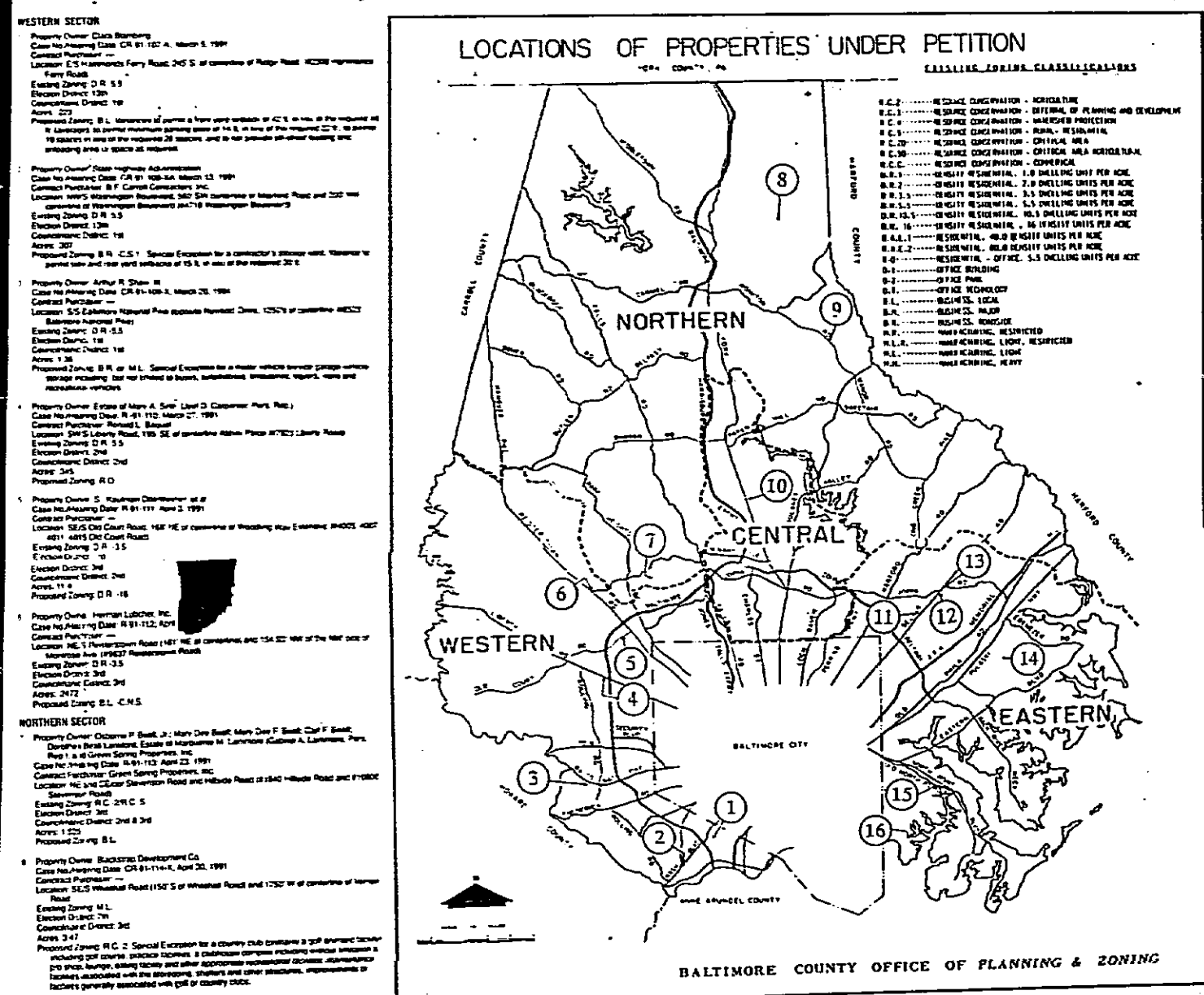
WESTERN SECTION	NORTHERN SECTION
1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].	1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].
EASTERN SECTION	CENTRAL SECTION
1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].	1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].

LISTING OF PETITIONS: Numbers in the listings are keyed to the map above.
BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, COUNTY BOARD OF APPEALS AND
P. DAVID FIELDS,
DIRECTOR OF PLANNING AND ZONING

November 8, 1990 OWINGS MILLS TIMES Page 47

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1990 - APRIL, 1991 ZONING RECLASSIFICATION CYCLE IV



WESTERN SECTION	NORTHERN SECTION
1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].	1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].
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1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].	1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above.

BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, COUNTY BOARD OF APPEALS AND
P. DAVID FIELDS,
DIRECTOR OF PLANNING AND ZONING

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754
June 30, 1992

TO:
Stephen J. Orens, Esq.
Stuart D. Kaplan, Esq.
County Board of Appeals of Baltimore County
Peter Rex Zimmerman, Esq.
Honorable James T. Smith

RE: Hon. Jury 91-00-3033 Matter of Warren J. Hays, Sr. vs. People's Counsel for Balto. Co. ET AL

HEARING DATE: Monday, August 10, 1992, @ 9:30 a.m.
ON THE FOLLOWING: Appeal: 45 min.

Please see the below notations.

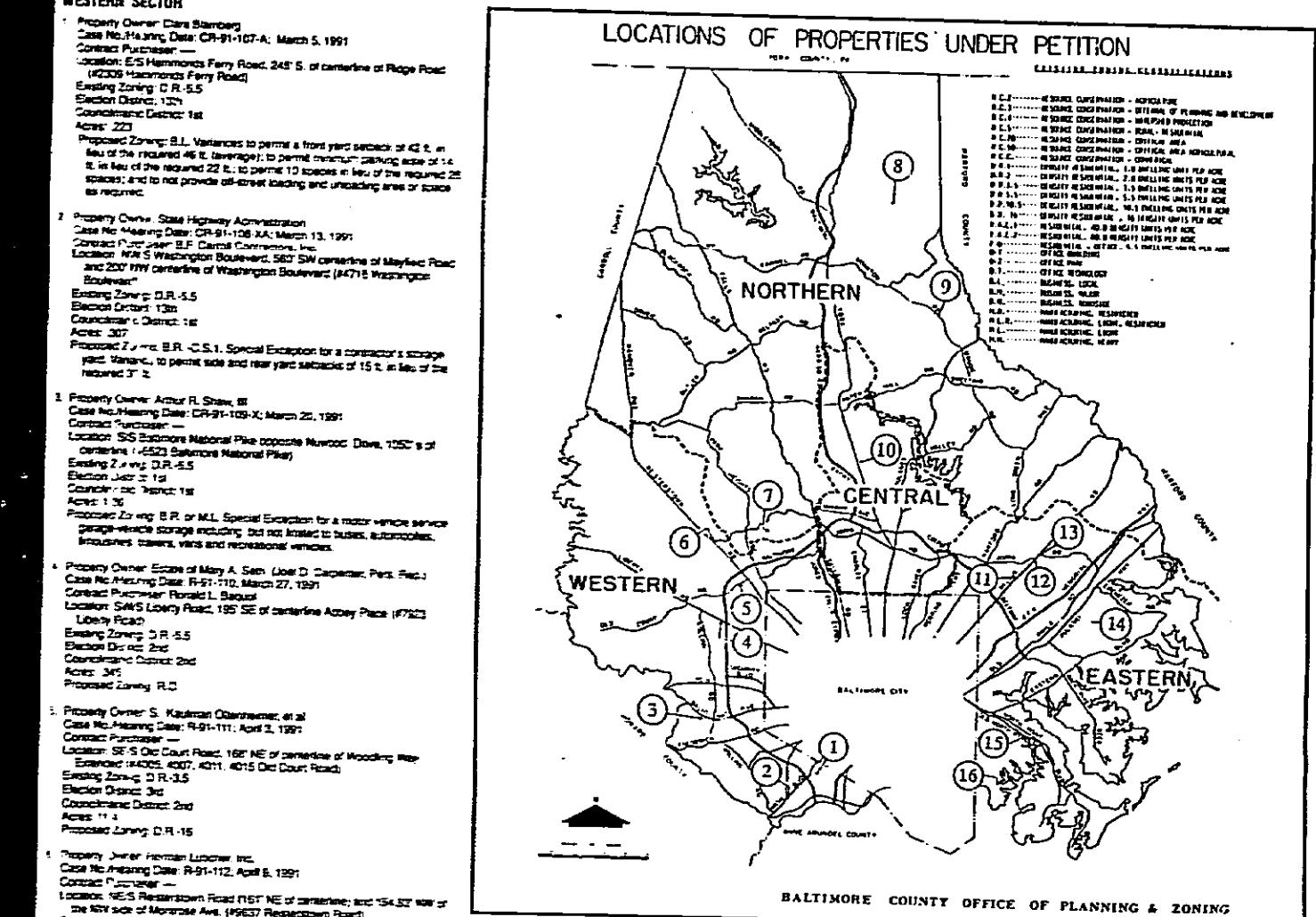
UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1990 - APRIL, 1991 ZONING RECLASSIFICATION CYCLE IV



WESTERN SECTION	NORTHERN SECTION
1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].	1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].
EASTERN SECTION	CENTRAL SECTION
1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].	1. Property Owner: [Name], [Address], [City, State, Zip]. Case No. [Number]. Petitioner: [Name], [Address], [City, State, Zip]. Location of property: [Address]. Location of Sign: [Address]. Remarks: [Text]. Posted by: [Name]. Number of Signs: [Number].

LISTING OF PETITIONS: Numbers in the listings are keyed to the map above.

BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, COUNTY BOARD OF APPEALS AND
P. DAVID FIELDS,
DIRECTOR OF PLANNING AND ZONING

October 31, 1990 TOWSON TIMES Page 75

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754
December 13, 1991

Kathy Rushton - 887-2660
Jury Assignments-Civil
General Settlement Conferences

887-2661
Non-Jury Assignments-Civil
Special Settlement Conferences

TO:
Stephen J. Orens, Esq.
Stuart D. Kaplan, Esq.
Honorable James T. Smith
County Board of Appeals of Balto. Co.
Office of Law

RE: Hon. Jury 91 CG 3033 In The Matter Of The Application of Warren J. Hays, Sr.

HEARING DATE: Thursday, January 16, 1992, @ 9:30 a.m.
ON THE FOLLOWING: Appeal: 45 minutes

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

CIRCUIT COURT FOR BALTIMORE COUNTY

Irene Summers - 887-2660
Civil Assignment Commissioner

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
December 18, 1991

Kathy Rushton - 887-2660
Jury Assignments - Civil
General Settlement Conferences

887-2661
Non-Jury Assignments - Civil
Special Settlement Conferences

STEPHEN J. ORENS, ESQ.
STUART D. KAPLOW, ESQ.

HONORABLE JAMES T. SMITH

COUNTY BOARD OF APPEALS OF BALTO. CO.

OFFICE OF LAW

RE: NON JURY 91CG-3033 IN THE MATTER OF THE APPLICATION OF WARREN J. HAYS, SR.

SETTLEMENT CONFERENCE DATE: N/A
Conference Room #403 before the Honorable

PRE-TRIAL SETTLEMENT CONFERENCE: N/A
Conference Room #403 before the Honorable

All counsel and their clients MUST attend these Settlement Conferences in person. All Insurance Representatives or, in domestic cases a corroborating witness MUST attend these Settlement Conferences in person. Failure of attendance in person of all parties listed above can result in sanctions being imposed, unless prior approval of the Court is obtained. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE EDWARD A. DEWATERS, JR.

HEARING DATE: APPAL 45 Minutes THURSDAY, JANUARY 30, 1992 @ 9:30 A.M. (CORRECTED NOTICE: CASE REASSIGNED DUE TO JUDGES CALENDAR.)

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments, Joyce Griffin 887-3497. UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other to conform calendars for the above date(s). Claim of not receiving notice will not constitute reason for postponement.

RECEIVED
COUNTY BOARD OF APPEALS
91 DEC 19 PM 2:33

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Date: 4/05/91 H9100384
PUBLIC HEARING FEES QTY PRICE
020 - ZONING VARIANCE (OTHER) 1 X \$175.00
TOTAL: \$175.00
LAST NAME OF OWNER: HAYS, SR.

04A040033HCHRC \$175.00
Please Make Checks Payable To: Baltimore County 0003136PH04-05-91
Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3497

Date: 9/24/90 H9100129
PUBLIC HEARING FEES QTY PRICE
060 - RECLASSIFICATION 1 X \$175.00
TOTAL: \$175.00
LAST NAME OF OWNER: HAYS, SR.

Cashier Validation: Please make checks payable to: Baltimore County

Paid PER HAND WRITTEN
RECEIPT DATED
8/30/90

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Date: 4/05/91 H9100907
REVISED PUBLIC HEARING FEES QTY PRICE
110 - REVISIONS (ALL OTHERS) 1 X \$75.00
TOTAL: \$75.00
LAST NAME OF OWNER: HAYS, SR.

04A040032HCHRC \$75.00
Please Make Checks Payable To: Baltimore County 0003135PH04-05-91
Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
#4

Date: 8/30/90
Reclass Petition \$175.00
Owner: Warren J. Hays, Sr.
N/S of Gibbons Blvd.
E/S of Greenside Drive
DR-3.5 to B.L.

04A040032HCHRC \$175.00
Please Make Checks Payable To: Baltimore County 0003135PH04-05-91
Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Date: 8/30/90
Reclass Petition \$175.00
Owner: Warren J. Hays, Sr.
N/S of Gibbons Blvd.
E/S of Greenside Drive
DR-3.5 to B.L.

04A040032HCHRC \$175.00
Please Make Checks Payable To: Baltimore County 0003135PH04-05-91
Cashier Validation

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DATE: _____

Warren J. and Anne Hays
111 Gibbons Boulevard
Towson, Maryland 21203

Re: Petition for Zoning Reclassification
CASE NUMBER: R-91-116
N/S of Gibbons Boulevard and Greenside Drive
The Election District - 4th Councilmanic
Petitioner(s): Warren J. Hays, Sr., et ux
HEARING: THURSDAY, MAY 14, 1991 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$ _____ is due for advertising and posting of the above property. This fee must be paid before an order is issued.

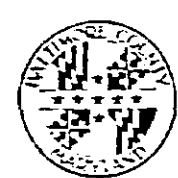
THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 115, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: Stuart D. Kaplow, Esq.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. March 7, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-91-116 WARREN J. HAYS, SR., ET AL
Item #10, IV, 1990-91 NE/cor Gibbons Blvd. & Greenside Dr.
8th Election District
4th Councilmanic District
(Documented Site Plan to be submitted)

Reclassification: from D.R.3.5 to B.L.

ASSIGNED FOR: TUESDAY, MARCH 26, 1991 at 9:00 a.m.
*NOTE - This case will be heard as scheduled on May 14, 1991 at 10:00 a.m.

cc: Stuart D. Kaplow, Esquire Counsel for Petitioners

Warren J. Hays, Sr. and Anne Hays Petitioners
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services - out per Paula 3/20/91
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. May 14, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-91-116 WARREN J. HAYS, SR., ET AL
Item #10, IV, 1990-91 NE/cor Gibbons Blvd. & Greenside Dr.
8th Election District
4th Councilmanic District
(Day # 2 - Cont.'d from 5/14/91)

Reclassification: from D.R.3.5 to B.L.

ASSIGNED FOR: TUESDAY, JUNE 4, 1991 at 10:30 a.m.

cc: Stuart D. Kaplow, Esquire Counsel for Petitioners

Warren J. Hays, Sr. and Anne Hays Petitioners
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary

ANNEXED

NOTICE OF HEARING

Petition for Zoning Reclassification
CASE NUMBER: R-91-116-4
NE/cor Gibbons Boulevard and Greenside Drive
8th Election District - 4th Councilmanic
Petitioner(s): Warren J. Hays, Sr., et ux

PROPERTY DESCRIPTION

Beginning for the same at the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Greenside Drive, 70 feet wide, with the centerline of Gibbons Boulevard, 40 feet wide.

- 1) Southeasterly 54 feet, more or less, measured along the centerline of Gibbons Boulevard, and thence running
- 2) Northeasterly at right angles to said centerline 20 feet, more or less, thence leaving said point of beginning and the north side of Gibbons Boulevard and running and blinding on the east side of Greenside Drive, referring all courses of this description to the meridian established on Baltimore County Bureau of Land Acquisition Plat 66-68-148-2, the following courses and distances, viz:
- 3) North 15 degrees 47 minutes 53 seconds East 5.00 feet, thence
- 4) North 84 degrees 12 minutes 20 seconds West 23.83 feet, thence
- 5) North 35 degrees 12 minutes 20 seconds West 35.36 feet, and thence
- 6) North 15 degrees 47 minutes 40 seconds East 96.01 feet, thence leaving the east side of Greenside Drive and running
- 7) North 84 degrees 12 minutes 20 seconds East 108.85 feet and thence
- 8) South 15 degrees 47 minutes 53 seconds West 126.00 feet to intersect said north side of Gibbons Boulevard, thence running and blinding thenceon
- 9) North 84 degrees 12 minutes 20 seconds West 60.00 feet to the point of beginning;

Containing 1.36 of an acre of land, more or less.

RECLASSIFICATION: Petition to reclassify the property from D.R.-3.5 zoning to B.L. zoning.

VARIANCE: To permit a side yard setback, for the existing building, of 5 feet in lieu of the minimum required 15 ft.

TIME: 10:00 a.m.

DATE: TUESDAY, MAY 14, 1991

LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Warren J. and Anne Hays
Stuart D. Kaplow, Esq.

October 17, 1990

NOTICE OF HEARING

Petition for Zoning Reclassification
CASE NUMBER: R-91-116
NE/COR Gibbons Boulevard and Greenside Drive
8th Election District - 4th Councilmanic
Petitioner(s): Warren J. Hays, Sr., et al

PROPERTY DESCRIPTION

Beginning for the same at the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Greenside Drive, 70 feet wide, with the centerline of Gibbons Boulevard, 40 feet wide,

- 1) Southwesterly 94 feet, more or less, measured along the centerline of Gibbons Boulevard, and thence running
- 2) Northwesterly at right angles to said centerline 20 feet, more or less, thence leaving said point of beginning and the north side of Gibbons Boulevard and running and binding on the east side of Greenside Drive, referring all courses of this description to the meridian established on Baltimore County Survey of Land Acquisition Plat No. 68-146-2, the following courses and distances, viz:
- 1) North 05 degrees 47 minutes 53 seconds East 5.00 feet, thence
- 2) North 84 degrees 12 minutes 20 seconds West 23.53 feet, thence
- 3) North 39 degrees 12 minutes 20 seconds West 35.36 feet, and thence
- 4) North 05 degrees 47 minutes 40 seconds East 96.01 feet, thence leaving the east side of Greenside Drive and running
- 5) South 84 degrees 12 minutes 20 seconds East 108.65 feet and thence
- 6) South 05 degrees 47 minutes 53 seconds West 126.00 feet to intersect said north side of Gibbons Boulevard, thence running and binding thenceon
- 7) North 84 degrees 12 minutes 20 seconds West 60.00 feet to the point of beginning;

Containing 0.30 of an acre of land, more or less.

RECLASSIFICATION: Petition to reclassify the property from D.R.-3.5 zoning to B.L. zoning.

TIME: 10:00 a.m.

DATE: TUESDAY, MAY 14, 1991

LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Warren J. and Anne Hays
Stuart D. Kaplow, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

March 29, 1991

887-3353

Stuart D. Kaplow, Esquire
Frank, Bernstein, Conway & Goldman
Suite 630, 210 W. Pennsylvania Avenue
Towson, MD 21204

RE:

Item No. 10
Case No. R91-116
Petitioner: Warren J. Hays, et ux
Reclassification Petition

Dear Mr. Kaplow:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle IV). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before May 14, 1991. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc:

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 9th day of August, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

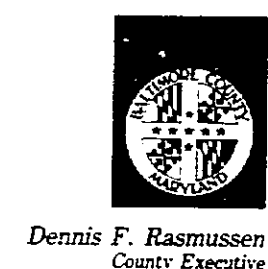
Petitioner: Warren J. Hays, et ux

Petitioner's Attorney: Stuart D. Kaplow

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

November 23, 1990

Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, Maryland 21204



Dennis F. Rasmussen
County Executive

Zoning Classification Cycle IV
Property Owner:
Case No./Hearing Date:
Location:

October 1990 - April 1991
Warren J. Sr. & Anne Hays
R-91-116; May 14, 1991
W.E. corner Gibbons Blvd. and
Greenside Drive.

Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:

D.R.-3.5
8th
4th
0.30
B.L.

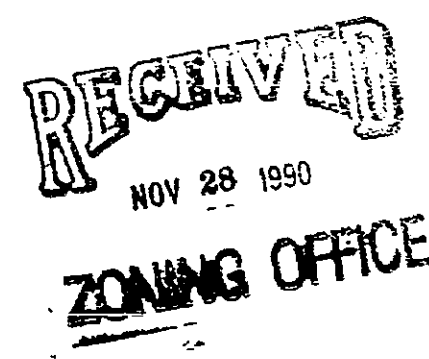
Dear Mr. Hackett:

The existing D.R.-3.5 zoning for this site can be expected to generate approximately 13 trips per day. The proposed B.L. zoning can be expected to generate approximately 150 vehicle trips per day.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

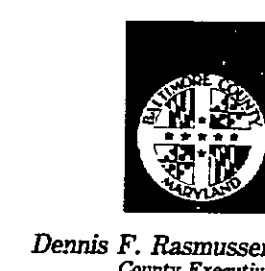
MSF/lvw



Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5300
(301) 887-4500

Paul H. Reiche
Chief

OCTOBER 16, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WARREN J. SR. AND ANNE HAYS
Location: NE/COR GIBBONS BOULEVARD AND
GREENSIDE DRIVE

Item No.: R-91-116 Zoning Agenda: OCTOBER, 1990 - APRIL, 1991
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reiche* 12-16-90 Noted and Approved
Fire Prevention Bureau
Special Inspection Division

JK/REK

BALTIMORE COUNTY, MARYLAND INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 17, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for April 16, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 9-Cycle IV-Case No. R-91-116, 357, 371, 374, 375, 376, 378, 380, 381 and 383.

For Item 10-Cycle IV-Case No. R-91-116, County Review Group Meeting may be required.

For Item 198-Case No. 91-254-A, the previous minor subdivision comments still apply.

For Item 372, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s

R-91-116
REVISED PLANS
4-5-91

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

P. David Fields, Director Date: March 26
TO: Office of Planning & Zoning

William T. Hackett, Chairman
FROM: County Board of Appeals

SUBJECT: Amended (Documented) Site Plan Submitted /
Case No. R-91-116 / Warren J. Hays, Sr., et al

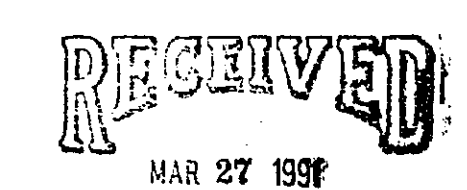
Pursuant to the appropriate sections of the Baltimore County Code, we are transmitting to you copies of the documented plan submitted to the County Board of Appeals at a public hearing on March 25, 1991, along with the revised Petition for Reclassification and Variance. These are being forwarded to you for processing with the Baltimore County Planning Board. This matter is set in for hearing before the Board on May 14, 1991, which permits the appropriate 45 days for the required review and comments.

By copy of this memorandum, we are also forwarding a copy of this amended plan and Petition to the Zoning Office.

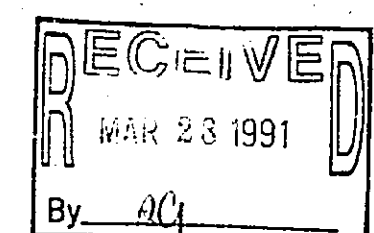
William T. Hackett
William T. Hackett

Attachment (10 copies of Amended Plan;
1 copy of Revised Petition)

cc: Pat Keller
N. Carl Richards, Jr. w/copy of Amended Plan ✓



ZONING OFFICE



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Chairman DATE: April 29, 1991
Baltimore County Board of Appeals

FROM: Arnold F. "Pat" Keller, III, Deputy Director
Office of Planning and Zoning

SUBJECT: Documented Site Plan
Case No. R 91-116, Cycle IV, Item 10

Pursuant to Section 2-38-1(m) of the Baltimore County Code, a documented site plan was referred by Board of Appeals to the director of the Office of Planning and Zoning. Following consideration by this office, a recommendation regarding the above-mentioned case is offered herewith.

Pat Keller
Arnold F. "Pat" Keller, III
Deputy Director

AFK/JL/cmm
SITEPLAN/CYCLE

CASE NO. R91-116

CYCLE IV, ITEM 10

PETITIONER:

Warren J. (Sr.) and Anne Hays

REQUESTED ACTION:

Reclassification to B.L. (Business Local)

EXISTING ZONING:

D.R.3.5 (Density Residential)

LOCATION:

Northeast corner of intersection of Greenside Drive and Gibbons Boulevard.

AREA OF SITE:

.3 acre

ZONING OF ADJACENT PROPERTY/USE:

North - D.R.3.5, Vacant
South - R.O., Class "B" office building with parking
East - D.R.3.5, Single-family dwelling
West - D.R.3.5, Single-family dwelling

SITE DESCRIPTION:

The site is improved with a single-family dwelling and accessory structures.

PROPERTIES IN THE VICINITY:

The site is located on the northeast corner of Gibbons Boulevard and Greenside Drive and is surrounded on the east and west by single-family, detached homes, vacant land on the north, and a Class "B" office building to the south. The property is approximately two blocks northwest of the Padonia Road commercial corridor and two blocks east of the public library.

WATER AND SEWERAGE:

The parcel is served by public water and sewer. The area is designated W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

Warren J. (Sr.) and Anne Hays
Case No. R91-116, Cycle IV, Item 10
Page 2

TRAFFIC AND ROADS:

Ingress and egress to the site is available from both Gibbons Boulevard and Greenside Drive. An existing driveway is accessed from Gibbons Boulevard.

The site is within the traffic shed of York and Padonia Roads, which is proposed as an "F" level of service on the 1991 Basic Services Maps.

ZONING HISTORY:

The site has been zoned D.R.3.5 since 1976. The site was an issue during the 1988 Comprehensive Zoning Map Process (see 4-73), for .14 acre of the property to be rezoned to B.L. The request was denied.

MASTER PLAN/COMMUNITY PLANS:

The Baltimore County Master Plan designates the area as a Community Conservation Area. This designation, as proposed in the Master Plan, was designed to protect and enhance the residential elements of older communities existing within the county. In keeping with this philosophy, the present amount of R.O., O-1, and B.L.-zoned space in the surrounding area (primarily the York Road and Padonia Road corridors) is adequate, with the residential component being the predominant zone in the surrounding community.

Additionally, the Hunt Valley/Timonium Corridor Study is presently in progress. Although the site falls outside of the study boundaries, it is within the impact area boundary for the study. One element being examined as part of the study is that of protecting existing residential communities in areas adjacent to where commercial/office/industrial growth has recently occurred, insuring the continued stabilization of the existing residential communities.

PROPOSED VS. EXISTING ZONING:

The regulations for D.R. zones may be found in Section 1801.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.). Regulations governing the B.L. zone may be found in Section 230 of the B.C.Z.R.

The B.L. zone allows a wide range of uses such as retail, office, restaurant, bank, and service facilities. Density is regulated by a floor area ratio of 3.0. Building height is limited to 40 ft. or by height tent. Setbacks include front yards not less than 10 ft. or the average setback of the existing uses and proposed use. The side setback is the same as the adjacent residential zone

Warren J. (Sr.) and Anne Hays
Case No. R91-116, Cycle IV, Item 10
Page 3

and rear setbacks are 20 ft. when the use is adjacent to a residential zone.

DOCUMENTED SITE PLAN REVIEW AND RECOMMENDATION

The documented site plan indicates that the existing detached single-family dwelling would be retained. The upper level of the structure would continue to be used as a residence. The basement level would be utilized for limited commercial purposes to include the sale of snowballs, and related products; and the sale of Christmas trees, wreaths, and related products. The documented site plan states that the commercial activity would provide 17 jobs, and the hours of operation are to be from 11:00 A.M. to 11:00 P.M. The following signs are proposed for this site:

1. A sign indicating the name or address of the occupants, not to exceed 1 sq. ft.;
2. An unspecified amount of directional or informational signs, not to exceed 15 or 25 sq. ft. in area;
3. A business sign affixed to a wall, not to exceed 25 sq. ft.; and
4. A non-illuminated freestanding sign, not to exceed 24 sq. ft.

Because the existing building is to be utilized and no other new building is proposed, elevation drawings have not been provided. However, a note on the documented plan indicates "...the combination of brick, siding and shingles will be retained on the upper residential level. The lower retail level will appear fully only on the west foundation wall. This wall will be altered to include a windowed sliding door and a canvas awning. All other lower level foundation walls will remain as is."

The plan also indicates a parking lot to contain seven parking spaces and the plan further indicates landscaping will be provided as per the Baltimore County Landscape Manual.

Based upon the information provided and analysis conducted, staff recommends the applicant's be denied for the reasons as follows:

1. The zoning request would result in an increased trip generation within a deficient traffic shed;
2. The request would not contribute to the vitality of the existing community and would further diminish the residential integrity of the Timonium Heights community;
3. This site was comprehensively reviewed during the 1988 Comprehensive Zoning Map Process. At that time, the Office of Planning and Zoning, Planning Board, and the County Council recommended the D.R.3.5 zoning be retained; and

Warren J. (Sr.) and Anne Hays
Case No. R91-116, Cycle IV, Item 10
Page 4

4. The introduction of an extensive impervious, macadam area retaining walls, seven parking spaces, as well as the provision of an unspecified number of signs would dramatically change the character of the property.

5. The proposed use and development restrictions although quite extensive represent a change in the use of the site that is not appropriate. The extension of commercial activity into this residential community will not assist in the stabilization and conservation of this community.

The Baltimore County Master Plan states under the heading of "Community Planning and Conservation" the following policy statement: "...Commercial activities incompatible with local neighborhoods should be restricted..." The plan further indicates the Baltimore County Landscape Manual should be amended to provide effective buffering for commercial development. Due to the lot size limitations of the site, adequate buffering of this property would be difficult to accomplish. Finally, the subject site is designated as being located within a Community Conservation Area. This designation was essentially designed to not only protect older residential communities, but enhance them. In the review of this particular request, staff not only examined the appropriateness and impact of the proposed use on the immediately affected community, but also considered the relative compatibility of this type of use on other older communities such as Dundalk, Catonsville, Sudbrook Park, and West Townsh. This office concluded that the proposed use, while innovative in concept, is not the type of land use that should be encouraged.

ZONING PROVISION FOR THE PROPOSED USE

Snowball stands are not a permitted use in any residential zone. These uses are, however, allowed in commercial zones (B.L., B.M., B.R.). Typically, when an individual wishes to conduct such a use, contact is made with the owner of an existing commercial site, such as a strip shopping center. Provided that all setback and parking requirements can be met, the proposed use is indicated on an amended site plan for acceptance by the Zoning Office. Other than a building permit, no further approval or review is required.

PLANNING BOARD RECOMMENDATION

The Baltimore County Planning Board recommends that the petitioner's request be approved.

CYC2NR91-116/CYCLE

R91-116

REVISED PLANS
4-3-91

HAYS PROPERTY

ENVIRONMENTAL IMPACT STATEMENT

DOCUMENTED SITE PLAN

ZONING CASE R91-116

MARCH 26, 1991

Prepared by: Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204

Prepared for: Warren J. and Anne Hays
38 Gibbons Boulevard
Cockeysville, Maryland 21030

Hays Property

Environmental Impact Statement

Project No. 90106.A

Project Description

The applicant proposes to renovate an existing residential structure to accommodate limited commercial activities operating out of the basement or lower level. Renovation plans include providing sliding door access to the lower level through one wall of the existing building foundation, providing a small parking lot (up to seven spaces) to serve customers, and providing improvements to facilitate entrance to and exit from the shop. Traffic is proposed to enter from Gibbons Boulevard and exit on to Greenside Drive.

The proposed activity will involve disturbance to the land positioned between the residence and Greenside Drive.

Site Description

The project vicinity is a mixed commercial-residential area of Baltimore County located near the intersection of York Road and Padonia Road in Timonium Heights. The project site is approximately 1/4 mile east of York Road and 1/4 mile north of Padonia Road at the northeast corner of the intersection of Greenside Drive and Gibbons Boulevard. Public water and sewer serve this area.

The property is bounded by Greenside Drive to the west, Gibbons Boulevard to the south, undeveloped wooded lots to the north and a private residence to the east. All proposed site renovations (except landscape plantings) will take place between the west side of the existing structure and Greenside Drive.

The area of impact on the site includes a storage shed, an L-shaped stone drive connecting to Gibbons Boulevard and Greenside Drive, and a 20 by 80 foot strip of second growth trees (predominantly locust) 4 to 12 inches in diameter established between the stone drive and Greenside Drive.

Topography in the drainage area of the property is moderately sloping to the west and southwest. On-site topography is tiered with the residence area leveled and elevated above the stone drive and yard area to the west.

Hays Property
Page 2

The underlying geologic formation as delineated on the "Geologic Map of Baltimore County and City" (Maryland Geologic Survey, 1976) is comprised of a massive metalimestone member. Site soils mapped in the Baltimore County Soil Survey (U.S.D.A., 1976), are classified as Baltimore silt loam (Bm2) which is a clay, well drained loam strongly influenced by lime from the underlying rock formation.

There are no streams, springs or wetlands on the property.

Probable Environmental Impacts

Potential adverse impacts of the proposed development on the environment have been identified and are addressed in this document. Proposed methods to mitigate potential impacts are also discussed.

Potential impacts within the following categories are addressed

Removal of Vegetation
Stormwater Management
Noise, Light, and Traffic
Air Pollution

Where impacts have been determined to be unavoidable, an assessment of cumulative, long-term effects of the proposed action has been provided. Where feasible, alternatives to the proposed action were examined. The relationship of the proposed action to short-term use of the environment was balanced against the long-term productivity of the environment. This report also identifies any irreversible or irretrievable commitment of resources which might result from the proposed development as well as the curtailment of any beneficial uses of the environment.

Removal of Vegetation

As described above, the area of impact includes a 20 by 80 foot strip (1600 sq. ft.) of second growth trees running parallel to Greenside Drive. Site development may result in the clearing of some or all of this area.

The vegetated strip does not provide significant food or habitat for local wildlife relative to the adjacent undeveloped wooded lots on both sides of Greenside Drive. Any small loss of habitat encountered in the short-term due to partial or total clearing of the strip during construction will be mitigated in the long-term through the establishment of post-construction plantings.

Hays Property
Page 3

It is the intent of the activity to retain as many trees within the strip as possible and to enhance or replace the buffer after construction with additional plantings in accordance with the Baltimore County Landscape Manual.

Stormwater Management

The proposed activity will result in a small increase in impervious surface area on the site. There is an existing public stormwater drain system in place to serve the local community. The small increase (0.09 acres) in the on-site impervious surface area will not add a significant quantity of run-off relative to the total stormwater contributions of this highly developed neighborhood.

Any short-term degradation of stormwater quality due to the loss of the vegetated buffer strip will be mitigated in the long-term through the replanting of a vegetated strip as discussed above.

Noise, Light, and Traffic

The site is located on Greenside Drive, a collector street, and is positioned such that it only directly borders one developed lot (a residential lot located along the east side of the property). Site access and operations are designed to minimize exposure of neighbors to noise, light, and traffic and will be mitigated further through the addition of landscape plantings. Additionally, the limited seasons of operations (encompassing less than 7 months per year) and the limited operation hours will also minimize impacts from these sources.

Any fixture used to illuminate the parking area will be shielded from the adjacent residential neighbor by the existing structure and landscape plantings. The fixture will also be arranged so as to reflect light away from residential lots and public streets. Due to the existing density of lighting associated with residential lights, street lights, and commercial lighting from the professional center located at the southeast corner of Greenside and Gibbons, the additional lighting associated with the project will not pose any significant long-term impact.

The proposed activity will not generate any significant noise outside of the building other than that associated with customer traffic. It is expected that the nature of the activity will attract primarily local persons who travel Greenside Drive or Gibbons Boulevard routinely and, therefore, the activity will not cause a significant increase in traffic or associated traffic noise.

Hays Property
Page 4

Noise generated during site construction activities will comply with state regulation (COMAR 26.02.03) and will be short-term in duration.

It is expected that some of the traffic associated with the proposed activities will be pedestrian due to the proximity of the activity to residential neighborhoods. Impacts of increased automotive traffic are minimized by the entrance-exit design of the proposed facility. The location of the site directly at an intersection also decreases the likelihood of extraneous traffic traveling through residential areas. There is no significant short-term or long-term traffic burden associated with the proposed activity.

Air Pollution

The proposed activity will not generate any air pollution other than that associated with automobile emissions. This contribution should be minimal because automotive traffic is expected to be local and not involved in significant extraneous travel, and because local traffic in Baltimore County is anticipated to be largely in compliance with County annual vehicle emissions inspection requirements.

Potential adverse impacts to air quality in the project vicinity during the construction phase will be managed in accordance with state and county regulations including COMAR 26.11.06.03D. Any impacts to air quality from construction activities will be short-term in duration and will not have any long-term impact on the environment.

The siting and design of the proposed activity is such that all environmental impacts are minimized and are short-term in duration.

3/7/91-Following parties notified of hearing set for March 26, 1991 at 9:00 a.m. for the purpose of submitting a documented site plan only. May 14, 1991 hearing date stands as previously scheduled:

Stuart D. Kaplow, Esquire
Warren J. Hays, Sr. and Anne Hays
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Mastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

3/27/91 -Notice of Assignment sent to above; documented site plan to be submitted on the record per Counsel for Petitioner; CBA to forward to Planning, with comments from Planning prior to scheduled 3/26/91 hearing date (in accordance with 45-day requirement for such comments).

3/26/91 -Documented Site Plan and amended Petition submitted to Board; forwarded to P. David Fields this date.

5/14/91 -Case opened before the Board; testimony and evidence presented; continued for a second day to June 04, 1991; notices sent. (P. David Fields)

WARREN J. HAYS, SR., ET AL
CASE NO. R-91-116
Item #10, Cycle IV, 1990-91

NE/cor Gibbons Blvd. & Greenside Dr.

8th Election District
4th Councilmanic District

Reclassification from D.R. 3.5 to B.L. (.30 acre)

August 31, 1990 Petition for Reclassification from D.R. 3.5 to B.L. on subject property filed by Stuart D. Kaplow, Esquire, on behalf of Warren J. Hays, Sr., and Anne Hays.

March 26, 1991 Documented Site Plan submitted to County Board of Appeals at public hearing.

May 14 Hearing before the Board of Appeals; continued to June 4, 1991.

June 4 Hearing completed before the Board of Appeals.

June 18 Opinion and Order of the Board of Appeals which DENIED Petition for Reclassification.

July 16 Order for Appeal filed in the CCT, BCo by Stephen J. Orens, Esquire, and Stuart D. Kaplow, Esquire, Frank, Bernstein, Conway and Goldman, Counsel for Warren J. Hays, Sr., and Anne J. Hays.

July 26 Petition to accompany appeal filed in the CCT, BCo by Messrs. Orens and Kaplow.

July 18 Certificate of Notice sent to interested parties.

August 13 Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.

Baltimore County Government
Fire Department



201 East Joppa Road, Suite 901
Towson, MD 21204-4500

(301) 887-4500

APRIL 12, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Location: REVISED RECLASSIFICATION PETITIONS,
ENVIRONMENTAL IMPACT STATEMENTS, AND PLANS WERE RECEIVED
FOR ITEM #10, CYCLE IV (CASE NUMBER R-91-116) ON APRIL 16, 1991.

Item No.: 10 Zoning Agenda: APRIL 16, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTERS 24 AND 26

REVIEWER: *[Signature]* Noted and Approved *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 7, 1995

Stuart D. Kaplow, Esquire
STUART D. KAPLOW, P.A.
5125 Roland Avenue
Baltimore, MD 21210

RE: Case No. R-91-116
WARREN J. HAYS, SR., ET AL

Dear Mr. Kaplow:

As no further action has been taken regarding the subject matter since the dismissal on June 10, 1994 by the Circuit Court for Baltimore County, we have returned the Board's copy of the subject zoning file to the office of Zoning Administration and Development Management.

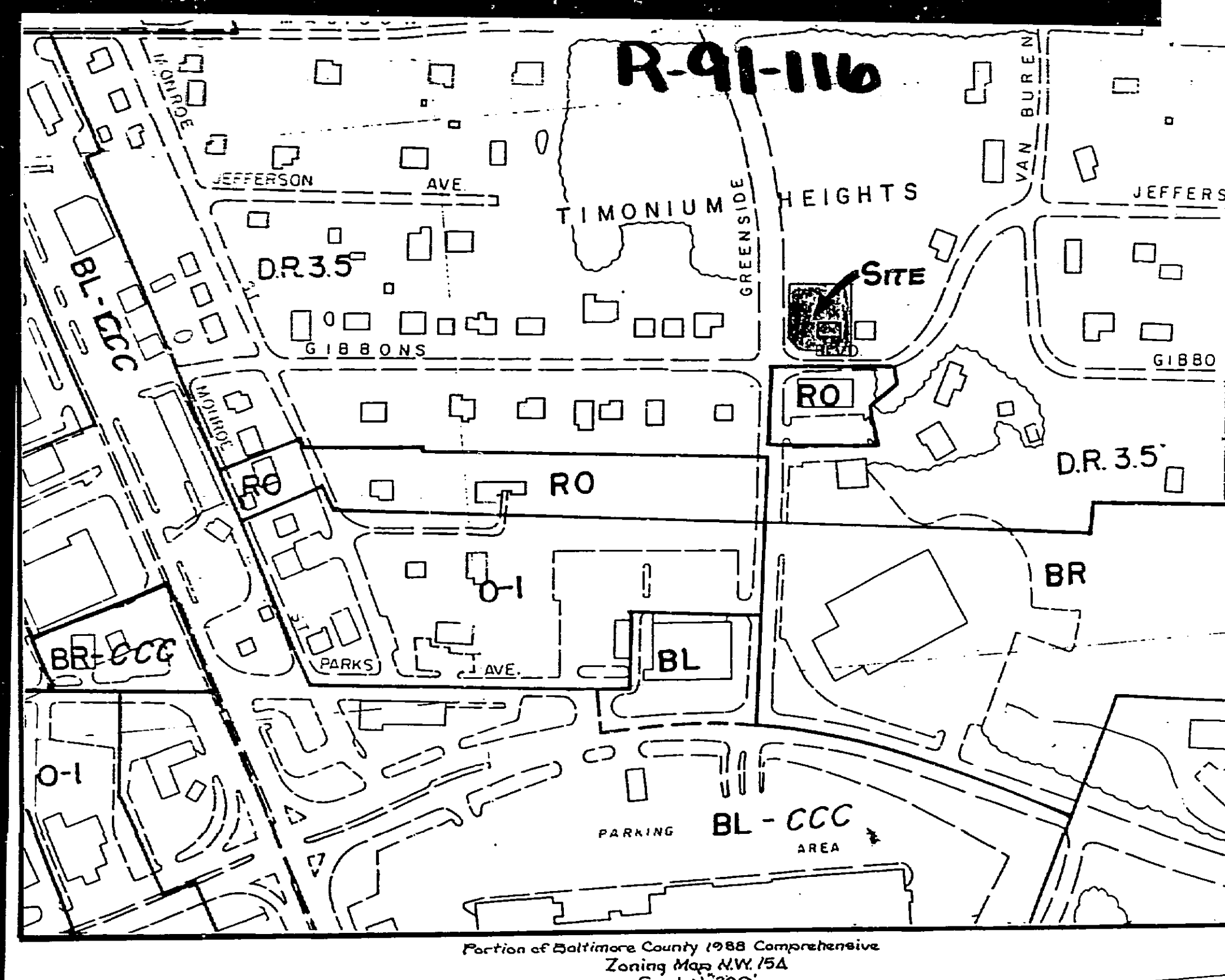
Anyone interested in this case can contact Owen Stephens of Zoning Administration at 887-3391 upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

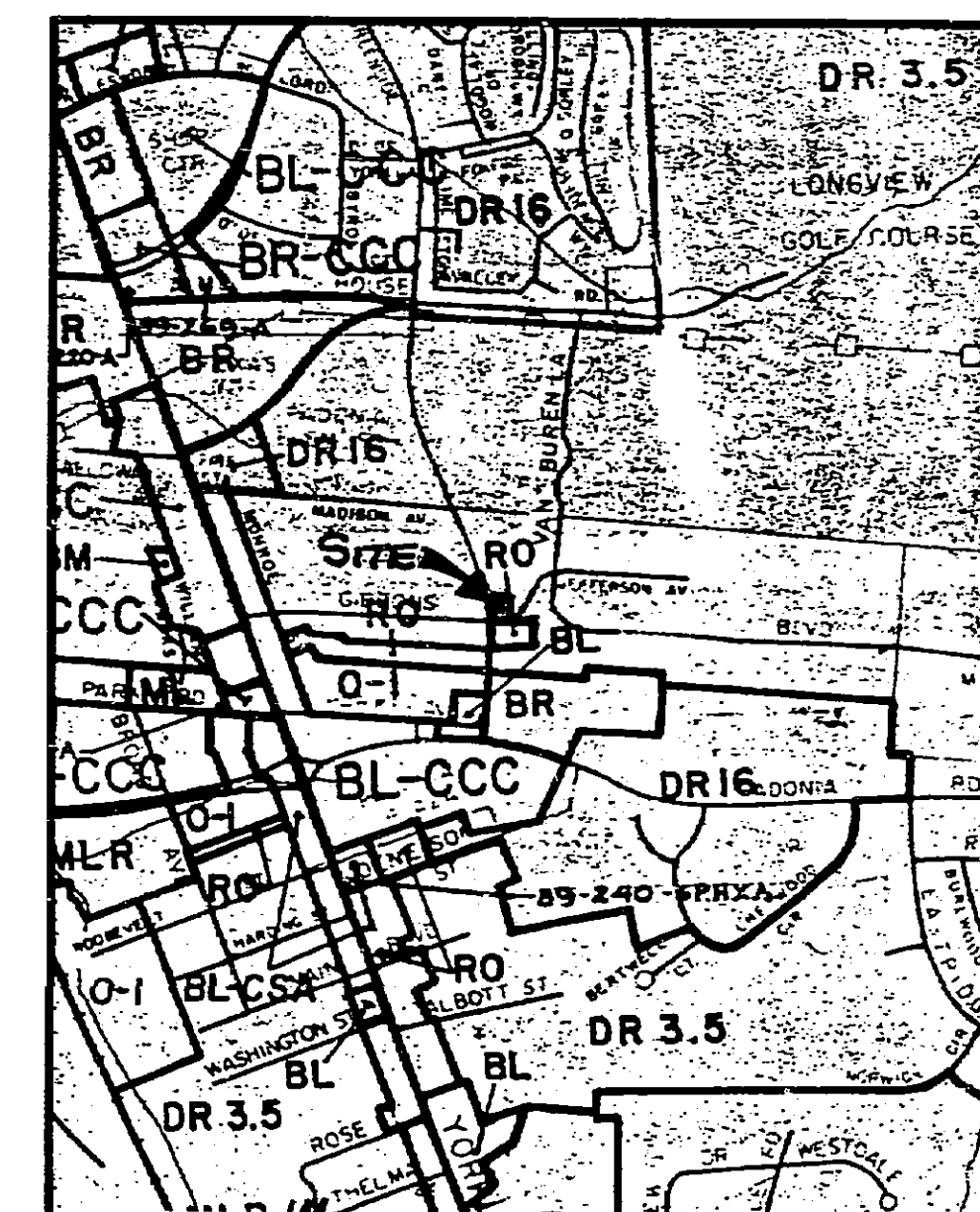
[Signature]
Charlotte E. Radcliffe
Legal Secretary

cc: Warren J. Hays, Sr. and Anne Hays
James Earl Kraft
People's Counsel for Baltimore County

Printed with Soy-based Ink
on Recycled Paper



R-91-116



R-91-116

Owners of snowball stand appeal zoning ruling

The Hays family, who operate a snowball stand on Greenside Drive in Cockeysville, have requested the Baltimore County Circuit Court to review a Baltimore County Board of Appeals ruling that denied them the zoning change they need to expand their business, according to their lawyer, Stuart Kaplow.

The family filed the appeal after zoning officials and, later, the county Board of Appeals denied them the business zoning reclassification they sought for the stand, which the family has operated outside their home at the corner of Greenside and Gibbons Boulevard since 1977.

The community was divided over the presence of the stand, but the Board of Appeals ruled in favor of those who contended that the stand was inappropriate in a residential area and might serve as a gateway for further commercial uses.

The family contended that the character of the area had changed, that the traffic generated by a nearby car dealership, office buildings and shopping center, had made solely residential use of the property impractical.

The board erred, said Kaplow, when it said the reclassification "would be an intrusion into the residential nature of the neighborhood ... and would produce increased hazards to public safety and welfare."

Timonium Heights resident Steve Weber, who was among those opposing the reclassification, said that he hopes the Circuit Court judge supports the Board of Appeals ruling. "A lot of community members would like to see the Hayzes work to relocate the stand to an existing commercially zoned property," Weber said.

JEFFERSONIAN 6-15-91

R-91-116

Snowball stand appeals

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JEFFERSONIAN 6-15-91



BOARD OF APPEALS

BERNARD DANKE ASSOCIATES (301) 527-1877

R-91-116
People's Counsel #
7 a - 1 } photos
8 a - 2 }

C. E. Peatt

BOARD OF APPEALS

FUJI
HQ HIGH QUALITY TAPE

Greenside Drive looking north from Gibbons - showing 6
illegally parked cars on right - 4 on the left side
of Greenside - You can see the difficulty that the
driver in the foreground is having in heading east
on Gibbons

#2

Looking east on Gibbons - White car attempting a u-turn
in the intersection of Gibbons and Greenside -

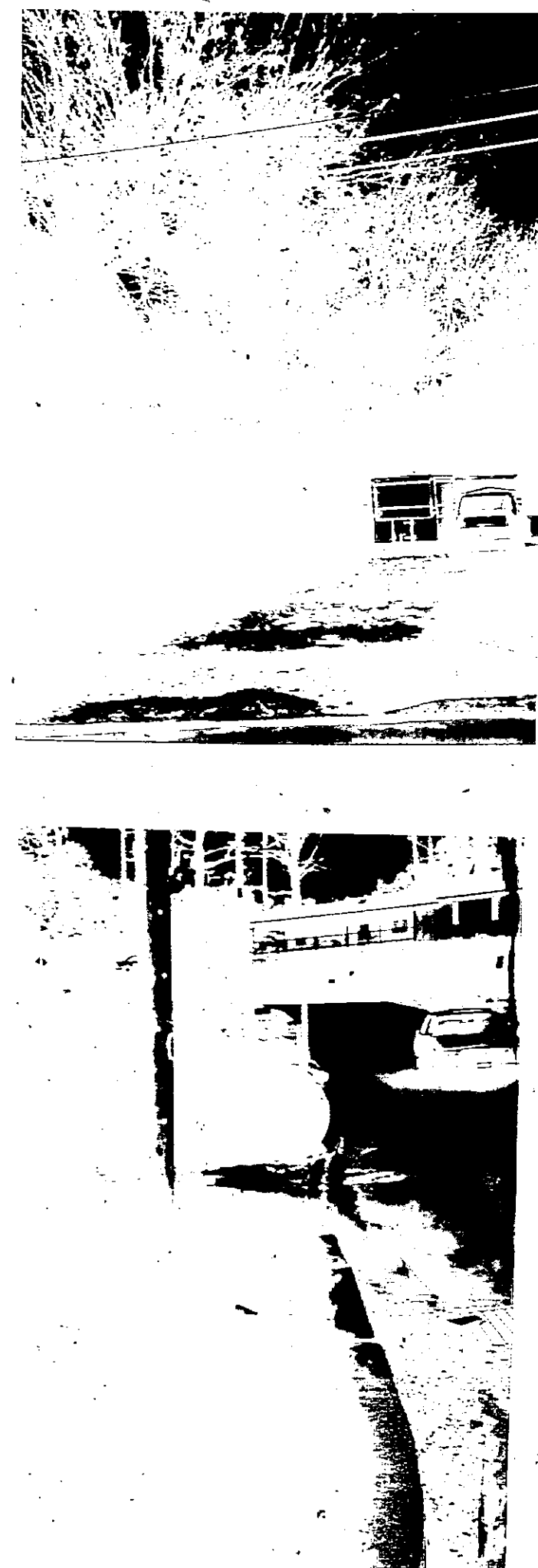
#4
Van parked illegally on Gibbons east of Greenside - customers
sitting on curb eating snowballs

#3

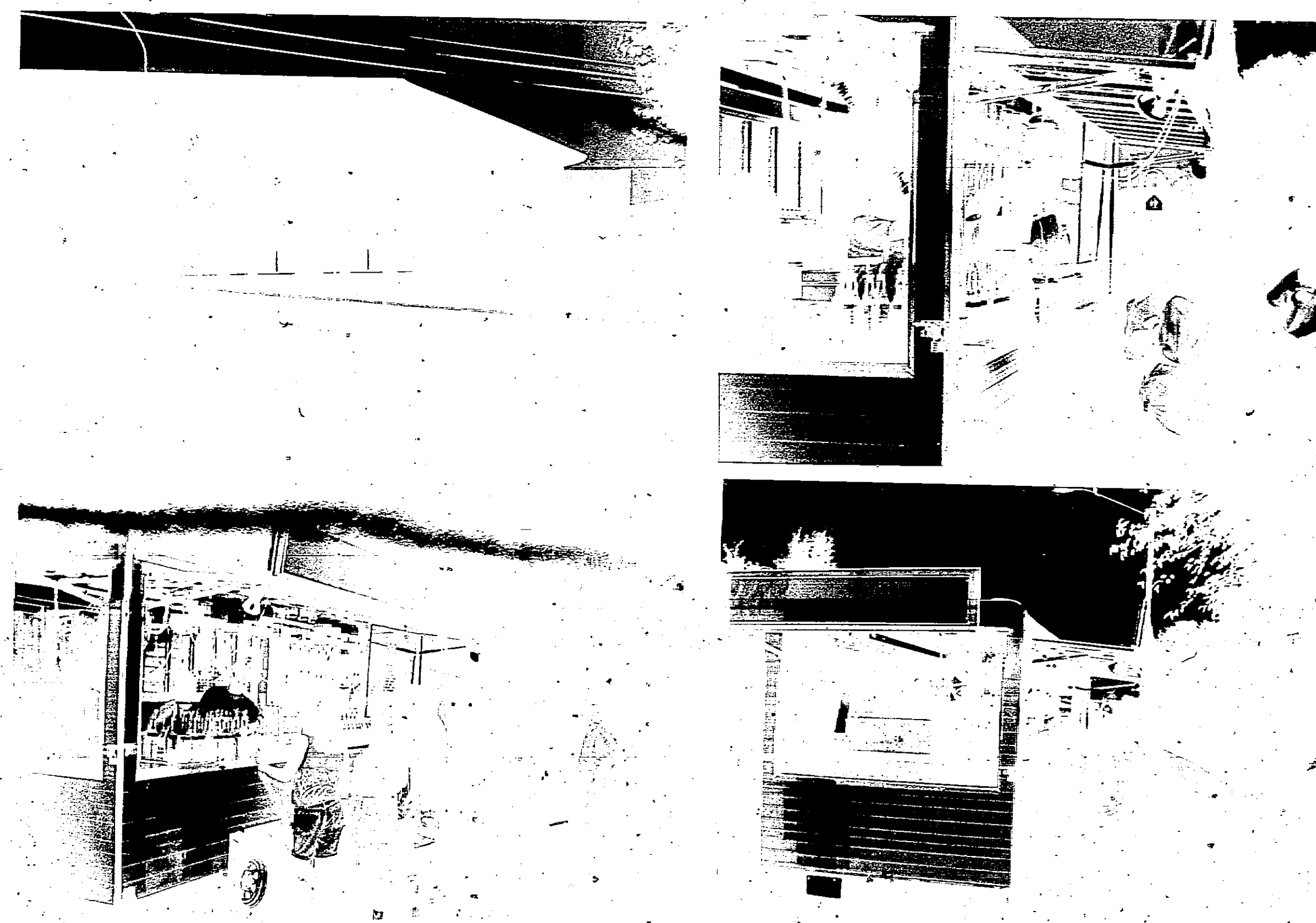
This is the same view as picture 5; but taken about 15 min. later - many of the cars still in the no parking zone.

High quality video tape with high durability.
Bande magnétoscopique de grande qualité qui dure très longtemps.

VHS **T-120**
246m/807



Petitioner's # 2a-2c (photos)
 " # 10 (photo)



Then in 1990, the County Council adopted the County Master Plan which further took measures to provide enhanced ability of older communities to be able to resist the constant threat of commercial intrusion and to strengthen their ability to grow and thrive. This area of Titanium Heights is designated as a Community Conservation Area. Community Conservation Area indicates that Community Conservation not only refers to efforts designed to maintain the resources of the older urban communities but also to enhance them. The Board has also taken steps to ensure the careful review of all projects or proposals to ensure that they are not disruptive to their neighborhoods. This is certainly what we are trying to do and we are hoping that the Board listens to our loud voice. "WE DO NOT WANT THE HAYS PROPERTY TO BE REZONED TO A TYPE OF USE THAT WILL DESTROY OUR COMMUNITY'S HISTORICAL PROPERTIES AND OUR COMMUNITY'S VIABILITY TO CONTINUE TO SURVIVE!"

PETITION TO REQUEST DECLASSIFICATION OF ZONING RECLASSIFICATION - SEE #R91-116 (HAYS PROPERTY) D.R. 3.5 (RESIDENTIAL) TO B.L. (BUSINESS)

We, the undersigned residents of Timonium Heights, Section 2, are in opposition to Warren & Anne Hays' petition to have their property rezoned from D.R. 3.5 to B.L. as shown on their documented site plan dated March 26, 1991. I have reviewed the site plan and notes submitted to the County and find such a use to be incompatible with the residential character of my neighborhood. Such a change would go totally against the efforts this community has gone thru in the last two comprehensive zoning cycles in working with the Planning Board and the County Council to preserve the residential integrity of the D.R. 3.5 by establishment of the R.O. zone to transition between the office and business zones to the residential zone. We ask for the Planning Board and Board of Appeals to support the past decisions of the County Council in maintaining the Hays property as D.R. 3.5 zoning and preserve the integrity of our community.

Name (Signature)	Address (Print)	*See Below
John P. DeShong	30 Gibbons Blvd Cockeysville Md.	
Dennis C. Buch	34 Gibbons Blvd Cockeysville Md.	
William B. Ruck	24 Keltone Blvd Cockeysville, Md.	
Carl E. H.	18 Gibbons Blvd 21030	
James G. G.	15 Gibbons Blvd 21030	
Paul H. H.	23 Gibbons Blvd 21030	
Rowley King	30 E. 680NS BLVD 21030	
Artis Baldwin	30 E. 680NS BLVD 21030	
Eva Baldwin	30 E. 680NS BLVD 21030	
Walt G. H. H.	32 Gibbons Blvd 21030	
James J. H.	32 Gibbons Blvd 21030	
Mark M.	32 Gibbons Blvd 21030	
David H. H.	23 Gibbons Blvd 21030	
Raymond H.	21 Gibbons Blvd 21030	
James H.	21 Gibbons Blvd 21030	
Diana M.	9701 Monaca St 21030	
John B. J.	6 Gibbons Blvd	P. J.
Pat J.	" " "	Cnl
Artis Baldwin	27 Gibbons Blvd	
John M.	27 Gibbons Blvd	

* If this space is initiated, I am invalidating my signature on an earlier petition circulated by the Hays' family which indicated my support for their zoning reclassification request. After review of the site plan and notes and further consideration of this matter, I find that I cannot support the Hays' zoning reclassification request.

Padonia Elementary School

9834 Greenside Drive, Cockeysville, MD 21030

April 24, 1991

Mr. William T. Hackett, Chairman
Board of Appeals
111 W. Chesapeake Avenue, 3rd Floor
Towson, MD 21204

Dear Mr. Hackett:

I am writing concerning a proposed zoning variance that would affect Greenside Drive in the Cockeysville area.

It is my understanding that the people who run a snowball stand on Greenside Drive near Gibbons Boulevard would like to enlarge their business both in size and in permanency. This proposal would greatly affect the traffic pattern around Greenside and Gibbons as well as increase traffic on Greenside Drive.

As Principal of Padonia Elementary School, which is approximately two blocks north of the above location on Greenside Drive, I would express our concern over any activity which would increase or change the traffic pattern in our area. Our students who live on Gibbons and surrounding streets walk to school. We are already heavily impacted by traffic from existing offices, businesses, the thriving public library, and the recreational courts that surround the school.

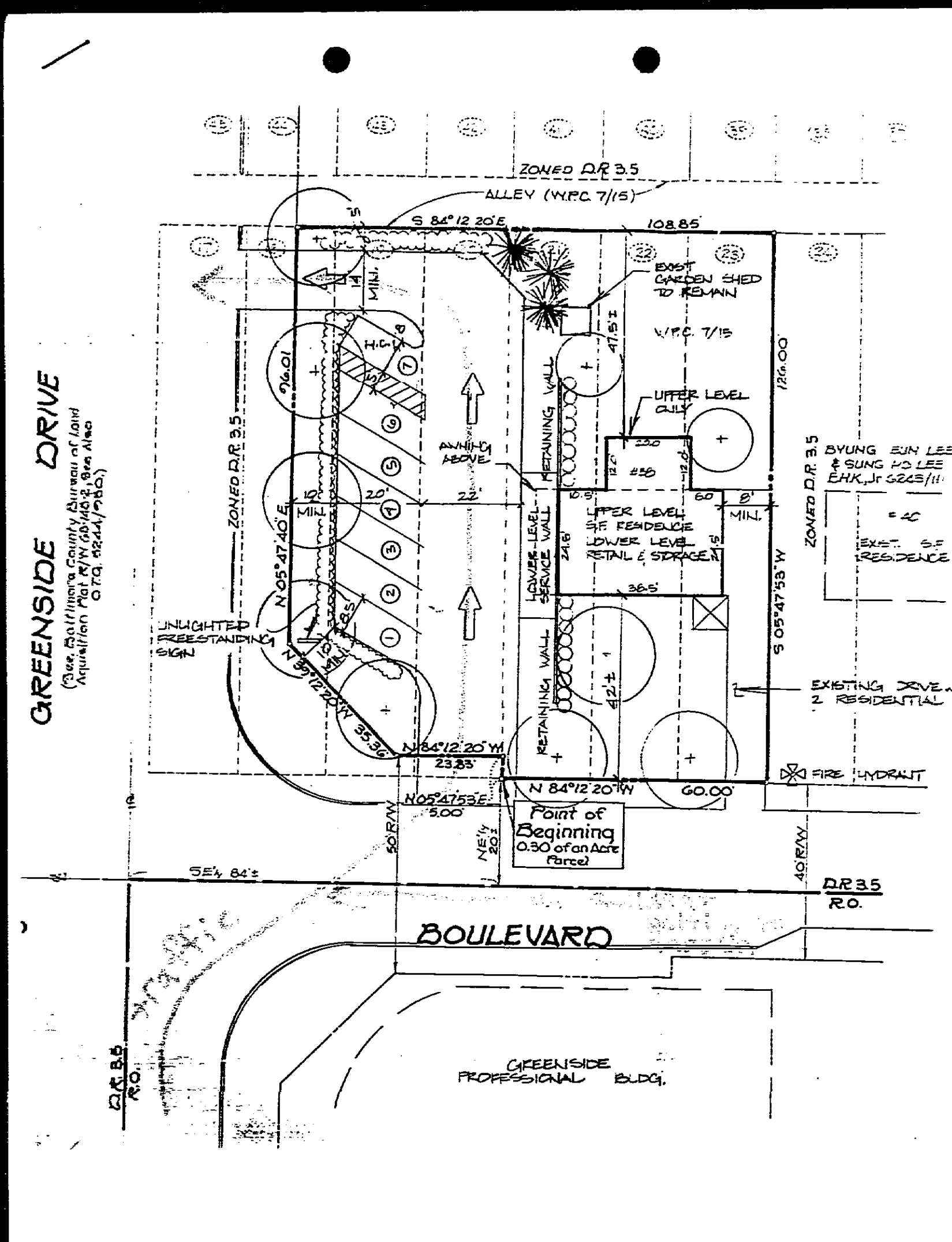
In my four years at Padonia two children have been hit and killed by automobiles and a third child was seriously injured, all on Greenside Drive.

I would urge you to seriously consider the safety of the many children who walk this corridor twice a day to and from school before making any zoning variance that could open the door to more commercialization of this area.

Thank you for your thoughtful consideration of this matter.

Sincerely,
Dorothy L. Dorman
Principal

1bn 60-1111 92-0315



The GREATER BALTIMORE BOARD OF REALTORS, Inc.

May 8, 1991

The Honorable Vincent J. Gardina
Baltimore County Council
Old Court House, Second Floor
Towson, MD 21204

Dear Councilman Gardina:

The Greater Baltimore Board of REALTORS® (GBBR) strongly opposes Bill 79-91 ("Notice to Buyers of Residential Property") which you introduced on May 6, 1991. GBBR represents approximately 4,300 individual REALTORS® in Baltimore County and City and 400 real estate brokerage firms. Almost 80% of GBBR's members reside and conduct their business in Baltimore County.

GBBR was disappointed that Bill 79-91 was introduced after the Board's Executive Vice President and Director of Government Relations met with you to discuss GBBR's objections to the Bill. The fact that legislation similar to Bill 79-91 has been enacted in Montgomery and Howard Counties is totally unrepresentative as a justification for Baltimore County legislation. It is well known that both of those jurisdictions over regulate and over disclose. Too many disclosures render ineffective the information being disclosed and do not serve the goal of an informed consumer/home buyer. Furthermore, one must seriously question the appropriateness of placing the disclosure burden on the seller. County government created the problems that "require" disclosure; county government should bear the burden of executing the disclosure through public education vehicles, such as a newspaper. Placing the disclosure burden on home sellers is blatantly unfair, especially when one considers that penalty that would befall the seller who fails to disclose. Are you certain that you want to accept the responsibility to your seller constituents who lose a sale because of this bill's penalty provision?

The Greater Baltimore Board of REALTORS®, once again, respectfully requests that you withdraw Bill 79-91. General public education of home buyers, not legislatively mandated disclosures, is the appropriate vehicle for addressing your legitimate educational concerns. GBBR stands ready to work with you and other Councilmembers to implement such public education by means of the Board's Home Buyers Advisory Service, Speakers Bureau, etc.

Sincerely,
Brandon F. Gaines
President

cc: County Councilmembers
County Executive Roger B. Hayden
William M. Eason, Jr., President-Elect
Fletcher R. Hall, Executive Vice President
Joseph McGraw, Director of Government Relations



Member Board-NATIONAL ASSOCIATION OF REALTORS®



Baltimore County, Maryland

PEOPLE'S COUNCIL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
527-6362/68

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
County People's Counsel

MEMORANDUM TO: ALL CIVIC ASSOCIATIONS DATE: August 28, 1990

FROM: People's Counsel for Baltimore County

SUBJECT: Appearance before the Board of Appeals as Representative of a Civic Association

Attached to this memorandum is a copy of Rule 8 of the Rules of Practice and Procedure of the County Board of Appeals which governs the appearance before the Board of representatives of civic or improvement associations.

This rule requires the following:

1. That the person who testifies can describe accurately the number of members in the association and the geographic limits of the association; and
2. That the person is authorized to speak for and present the views of the association. This second requirement can only be met by:
 - a. A resolution (in duplicate) adopted by the association at its annual meeting or first meeting of the year signed by the president and attested by the secretary. This resolution must state that the responsibility for review and action of all zoning matters is placed in the board of directors or a duly elected zoning committee; and
 - b. A written affidavit (in duplicate) signed by the president of the association and attested by the secretary that he is currently a duly elected member of the board of directors or zoning committee of that association, or is an attorney appointed to represent the board of directors or zoning committee; and
 - c. A resolution (in duplicate) adopted by the board of directors or zoning committee signed by the president and attested by the secretary stating the position of the association.

For your assistance, we have also attached sample resolutions and affidavits which may be used by your association. They have been reviewed by the Board of Appeals for form but, of course, the substance remains the responsibility of the community association.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Enclosures

23 Gibbons Boulevard
Hunt Valley, MD 21030
April 30, 1991

Mr. William T. Hackett, Chairman
Board of Appeals
111 West Chesapeake Avenue
3rd Floor
Towson, MD 21204

RE: Case #R91 116

Dear Mr. Hackett,

This letter is to put forth the reasons why I am against the above petition to reclassify zoning in my community, Timonium Heights.

I think the Planning Board was incorrect in hearing the case in the first place. The petition does not meet either criterion for being permissible for a cyclical reclassification request. The Hays' 1988 petition to rezone their residential property for commercial use was denied during the Comprehensive County Zoning process. There is no reason to circumvent or over-ride that process now.

The present petition to reclassify to BL files in the face of the 1984 Comprehensive Zoning Map which set up a 80' buffer zone to stop further commercial encroachment into this community. Residents were against rezoning and actively fought against it in 1984 and 1988. The fight continues; over 100 residents have signed a petition against R91 116, and about 50 attended a community meeting "Residents against Rezoning" on April 29.

Residents do not yet have a formal community council and cannot afford an attorney, but depend on our elected officials and county staff to at least play by the rules established. We expect the Planning Board and the Appeals Board will adhere to the comprehensive zoning map, county building and business regulations and studied recommendations of professional staff. If anyone can petition for any reason at any time, and can pay an attorney to lobby Planning Board members to accept petitions clearly against earlier County Council actions and against what more than 90 percent of households in the community want, where is protection and justice for home owners?

The Planning Board's recommendation to accept R91 116 introduces a concept of "vertical zoning," wherein land can have one zoning classification at one altitude (BL at street level) and another classification higher up (residential on the higher grade). What nonsense. This is a ploy to have a residence on the floor above a business in the same building, which I understand is prohibited.

Legally, I don't see how upholding the petition can be justified. Perhaps the Planning Board responded to the emotional issue that the Hays family has had a snowball business on or near their home since 1974.

61-1111 92-0315

Handwritten note: I am writing to you about the petition to reclassify zoning in my community, Timonium Heights. I think the Planning Board was incorrect in hearing the case in the first place. The petition does not meet either criterion for being permissible for a cyclical reclassification request. The Hays' 1988 petition to rezone their residential property for commercial use was denied during the Comprehensive County Zoning process. There is no reason to circumvent or over-ride that process now.

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National Association for the Self-Employed
National Headquarters
2828 Gravel Road
Fort Worth, Texas 76118
1-800-232-NASE
RE: Zoning Reclamation
CASE NO. R91-116
Dear Mr. Hackett,
I AM VERY MUCH OPPOSED TO THE ABOVE PETITION ATTEMPTING TO PLACE A LOCAL HIGH VOLUME FOOD SALES BUSINESS WITHIN A RESIDENTIAL ZONE.
AS A REPRESENTATIVE OF THE NATIONAL ASSOCIATION FOR THE SELF-EMPLOYED I FAVOR FAMILY-RUN ENTERPRISES, BUT SUCH A BUSINESS MUST ADHERE TO LOCAL LAWS AND REGULATIONS. THE HAYS FAMILY SHOULD CONDUCT BUSINESS WITHIN A "Serving the Needs of Small Business America"
c/5/91

Handwritten note: Dear Sir, I am protesting the Hays petition to reclassify zoning from D.R. 3.5 to B.L. (Case # R91-116)
Sincerely,
John M. Jones
1 Madison Ave. Cockeysville, MD 21030

CBA File - Correspondence List

Stephen Weber 5/9/91
Ann Jordan 5/9/91
David Jordan 5/9/91
Gudy Weber 5/9/91
Margaret Muen 5/3/91
Eldon Lueker 5/6/91
Ruth Muen 5/2/91
Kara Parnell 5/8/91
Christine Mason 4/21/91
Ann Hattenberger 5/1/91
Harry Meyer 5/1/91
Kenneth S. Muen 5/1/91
Helen Traskale 5/1/91
Michael Traskale 5/1/91
Louis Spira 4/30/91
Delbert Catanzaro 5/1/91
Paul Hattenberger 5/1/91
Delores F. Leland 5/1/91
Euna Greenwald 5/9/91
Stephanie Lueker (Auntie) 5/8/91
Margaret Hattenberger 5/4/91
Delores Lueker 5/6/91
H.D. Davis 5/6/91
Bill (Photo) 5/4/91
Don 5/1/91

IN THE MATTER OF THE PETITION FOR RECLASSIFICATION FROM D.R. 3.5 TO B.L. ZONE :
NE Corner of Intersection of Greenside Drive and Gibbons Blvd. :
8th Election District :
4th Councilmanic District :
WARREN J. HAYS, SR., et ux, :
Petitioners :
Zoning Case No. R-91-116 :
(Item 10, Cycle IV)

PEOPLE'S COUNSEL'S LIST OF BASIC EXHIBITS
Memorandum dated April 29, 1991 to William T. Hackett, Chairman, Baltimore County Board of Appeals from Arnold F. "Pat" Keller, III, Deputy Director, Office of Planning & Zoning : 1
Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals - Zoning Reclassification Petitions Cycle IV, 1990/1991 - January 31, 1991 : 6
Baltimore County Council Minutes, Legislative Session 1988, Legislative Day No. 19, October 13, 1988 : 16
The Recommended Baltimore County Comprehensive Zoning Map Log of Issues, June 28, 1988 - A Report by the Baltimore County Planning Board for Public Hearings by the Baltimore County Council : 18
Baltimore County Code 1978 - 1988/89 Cumulative Supplement - Section 2-38 : 21

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

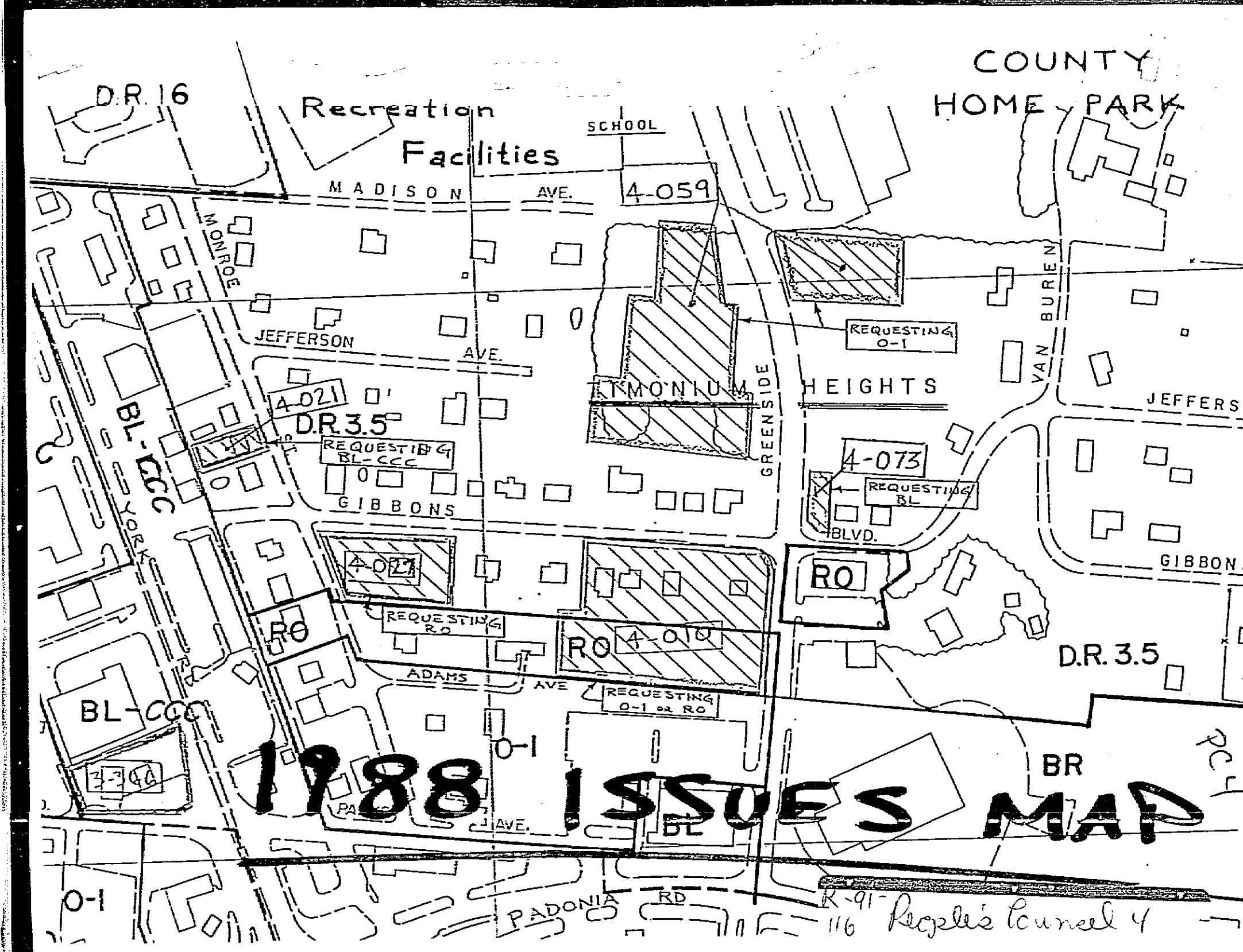
RE: Hays Property Reclassification - Case #R91-116

Dear Mr. Hackett:

I am writing to you with regard to the subject petition for rezoning the Hays Property from D.R. 3.5 to B.L. zoning in accordance with the documented site plan dated March 26, 1991. I have been quite involved with the community on this issue as well as during the comprehensive zoning process in 1988. A copy of the community petition I plan to submit to the Board on May 14th is attached to this letter and in addition we held a community meeting on April 29th to discuss this issue further. As a result of that community meeting, I am presenting to you the thoughts of the community in rezoning this property to B.L.

We find this property to currently be key in determining whether our community will be able to remain an integral unit and be able to survive as a viable, healthy neighborhood. Three years ago we worked with the County Planning Staff, the Planning Board and closely with former Councilwoman Barbara Bachur in ensuring that the zoning established in 1984 was going to accomplish its goal of protecting the community from further commercial and office intrusion. At that time an R.O. transition zone was established between the D-4 & B.R. to the south and D.R. 3.5 to the north. In 1988 there were five issues within our community as shown on the attached 1988 issues map from the Planning Office. One of these issues included the Hays' petition to rezone a portion of their property to B.L. On all five issues the Planning Staff and the Planning Board recommended denial of the requests and the County Council turned all five issues down leaving all zoning in place, unchanged. The community was obviously extremely satisfied that this was the result and that the efforts made in 1984 did appear to help the community remain in a stable situation.

Then in 1989, the County Council adopted the County Master Plan which further took measures to provide enhanced ability of older communities to be able to resist the constant threat of commercial intrusion and to strengthen their vitality and ability to thrive. This area of Timonium Heights is designated as a Community Conservation Area. The County's Master Plan indicates that Community Conservation not only refers to efforts designed to maintain the resources of the older urban communities but also to enhance them. Page 38 indicates, "Citizens must be involved in the careful review of projects or proposals to ensure that they are not detrimental to their neighborhoods." This is certainly what we are trying to do and we are hoping that the Board listens to our loud voice, "WE DO NOT WANT THE HAYS PROPERTY TO BE REZONED TO B.L. IT WILL BE A DEFINITE DETRIMENT TO OUR RESIDENTIAL PROPERTIES AND OUR COMMUNITY'S VIABILITY TO CONTINUE TO SURVIVE!"



116 Peoples Council 2

116 Peoples Council 3

May 8, 1991

Mr. H. Esslie Parks, County Attorney
Office of Law
County Courthouse, 2nd Floor
408 Washington Avenue
Towson, Maryland 21204

RE: Planning Board Decision of April 18, 1991
Hays Property Zoning Reclassification Petition
Case No. R91-116

Dear Mr. Parks:

On April 18th, we attended the Planning Board meeting to give testimony to the Board and presented the Board with a petition containing 99 community residents' names, the vast majority of the entire subdivision, objecting to the request by the Hays to rezone their property from D.R. 3.5 to B.L. We asked for the Board to support the recommendation of the County Planning Staff to deny the request for rezoning and to uphold the County Council decision made in 1988 in the Comprehensive Zoning Process to not rezone any portion of the Hays property from D.R. 3.5 to B.L.

The ad hoc Committee on Development Plans and Issues met with ten members present. A motion was made to approve the petitioners' request to rezone the property which went to a 5-5 vote. Upon the motion failing a second motion was made to accept the staff recommendation to deny the request for rezoning which passed with a 6-4 vote. After other issues, another committee meeting and a recess, the full Planning Board met with eleven members present. When the Hays' issue came before a final vote, a motion was made to accept the ad hoc committee's recommendation to deny the rezoning request which went to a 5-5 vote with Chairman Reid abstaining. If this motion, a second motion was made to accept the petitioners' request to rezone the property which went to a 5-5 vote at which time Chairman Reid created a tie breaker by abstaining two minutes before voting in favor of the staff's recommendation to deny the request for rezoning.

The decision we discussed to you deals strictly with one of the Planning Board members, Mr. Scott Graham. Mr. Graham voted in favor of the petitioners' request for rezoning to B.L. However, while he voted as a Planning Board member, it is our understanding that his appointment to the Planning Board was ended prior to April 18, 1991 and that County Executive Roger Harman has not reappointed Mr. Graham to a

County Council of Baltimore County
Court House, Towson, Maryland 21204
(410) 887-3195
Fax (410) 887-3791

COUNCIL
Barbara L. Muen
FIRST DISTRICT
Mervin G. Muen
SECOND DISTRICT
Charles A. Reppeberger, III
THIRD DISTRICT
Douglas R. Riley
FOURTH DISTRICT
Vince Cardone
FIFTH DISTRICT
William A. Howard, IV
SIXTH DISTRICT
Donald C. Mason
SEVENTH DISTRICT

Kathi Waldenhamer
Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Term of Office of Board Members

Dear Kathi:

Enclosed is a copy of an opinion of the Office of Law regarding the above-captioned subject. I think this resolves the issue for the Board. It should make things easier in the future as terms of office expire.

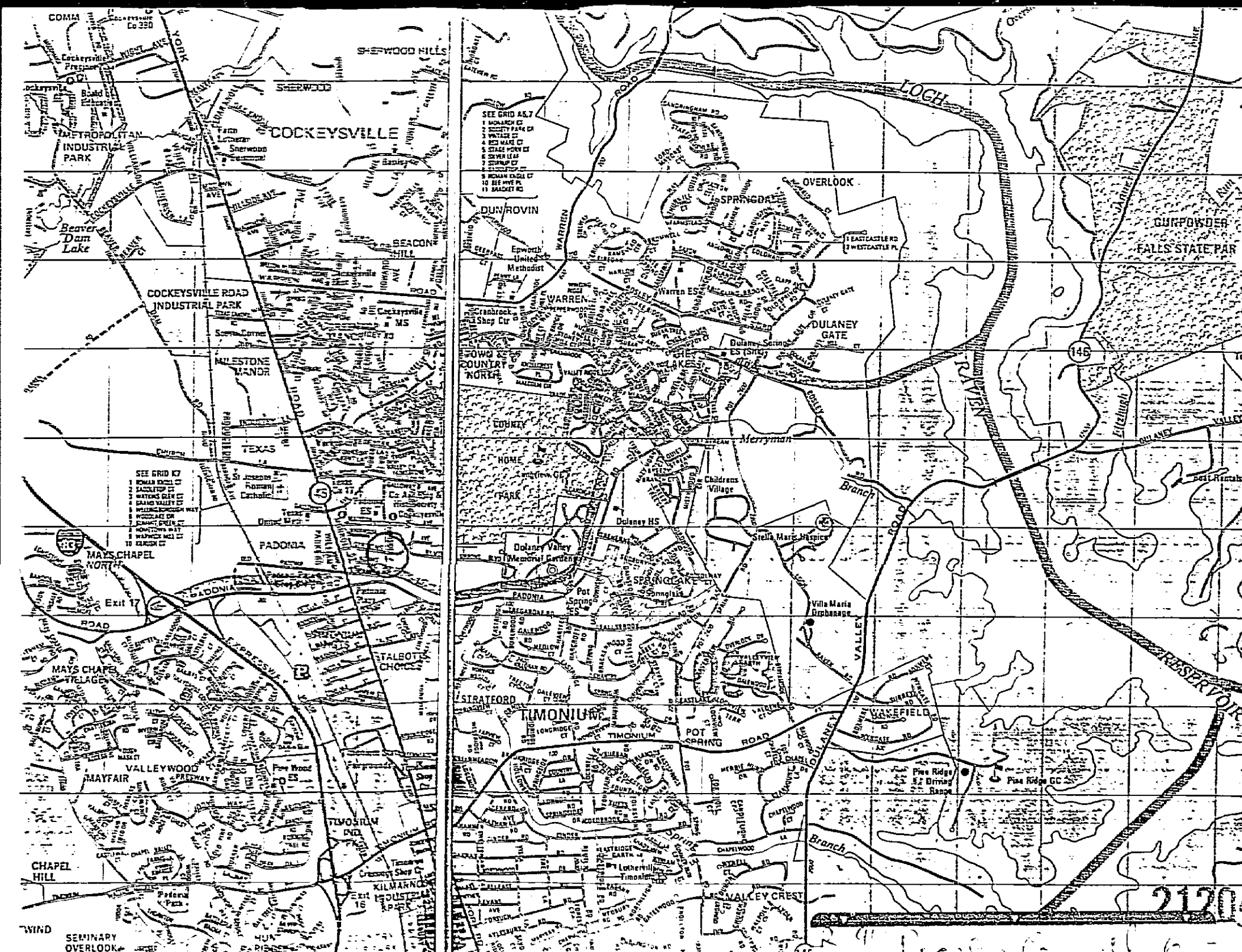
Very truly yours,

Thomas J. Peddicord, Jr.
Acting Secretary

TJP:m

Encl.

116 Peoples Council 5



PADONIA ELEMENTARY PTA
MINUTES-EXECUTIVE BOARD MEETING
April 18, 1991
Held at Padonia Elementary Library

Present: Alyce Alsop, Mark Everts, Bill Griffith, Jeff Jones, Diane Lutz, Kathy Nicht, Donna Powell and Beth Varner.

7:10 p.m. - Meeting opened by Jeff Jones, President.

Book Fair - Diane Lutz: \$1,760.22 = total cash collected to date. Estimated \$800 profit - how do we divide it?
- Motion made by Bill Griffith to set a \$200.00 limit for librarian, remainder of profit in cash to PTA; seconded by Mark Everts. Unanimously approved. Motion carried.
Miss Dorman approved the book fair to be set for the first full week in February 1992 - PTA will get an additional 10% profit for setting date ahead.

Donna Jamboree - Alyce Alsop: Received permit for Jamboree; \$10.00 needed to submit application. ADKO will supply games and booths for games; \$75.00 for delivery, rental, etc. Jail will be used this year also. Kathy Nicht and Helen Berry would like to sell T-shirts again this year. Suggested price \$2.00 per shirt (shirts provided by purchaser).
Food: Mark Everts ordered 1,000 each of hot dogs, hamburgers and pizzas. Paper products and rolls have also been ordered.
Needed to be done: Picnic tables ordered from Dept. of Recreation and Parks; Diane will check on ice cream stand from Daryl ice cream and Donna will check with Preston for custodial help on that day. Letter will be sent home on May 1st (bring days, request for help).

Nominations/Elections - Donna Powell: Letters were sent home requesting nominations from parents and faculty. As of today, two nominees accepted; Helen Berry for Treasurer and Beth Varner for Secretary. Nominees will be announced and introduced at the May general meeting.

Alyce Alsop mentioned that Mark Everts be nominated for President. Diane Nicht seconded the nomination. Mark accepted the nomination.

May general meeting/Spring Program: decided that no refreshments would be served.

Ann Jordan went to a meeting this evening concerning the rezoning of the property owned by the snowball stand vendors. The owners want the property rezoned commercial because their hucksters license will not be renewed. The surrounding community opposes this rezoning. We looked at proposed plans for the new snowball business.

Bill Griffith mentioned that the PTA send a letter of support for the community stating that we oppose the rezoning. Motion seconded by Mark Everts. Unanimously approved. Motion carried.

Beth Varner mentioned that we set aside \$150.00 for preliminary expenses for the June Jamboree. Motion seconded by Diane Lutz. Unanimously approved. Motion carried.

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March 28, 1991

William T. Hackett, Chairman
Baltimore County Board of Appeals
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Mr. & Mrs. Warren J. Hays
Zoning Reclassification

Dear Chairman Hackett:

I am writing this letter to express my support for the zoning reclassification petition filed by Mr. & Mrs. Warren J. Hays for their property at 38 Gibbons Boulevard.

I live next door to the Hays with my family and we are excited about the prospect of the snowball and seasonal sales operations being moved from the trailer and once again located on the Hays' property. The new plan protects the neighborhood but allows the Hays' family to continue to operate their snowball stand and seasonal Christmas sales as they have for almost 20 years.

Sincerely,

Sung Ho Lee
Sung Ho Lee

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PETITION IN SUPPORT OF ZONING RECLASSIFICATION

We, the undersigned residents of Baltimore County, Maryland, support the Hays' family Petition to reclassify the zoning on their property at 38 Gibbons Boulevard from DR 3.5 to B1 as described on the plan filed with their Petition. We understand that the zoning reclassification will allow them to use their property for the sale of snowballs and seasonal Christmas items in addition to continuing the residential use on the second floor of the existing building. We urge the members of the Baltimore County Board of Appeals to approve the Hays' petition for reclassification and to allow the Hays' family to continue the use of their property as it has existed since the mid70's.

NAME	ADDRESS
Sung Ho Lee	409 Gibbons Blvd Cockeysville MD 21030
J. M. Leland	46 Gibbons Blvd (21030)
Brick R. Leland	" " " "
Robert M. Woodman	45 Gibbons Blvd. 21030
Jennie B. Sparks	9800 Van Buren Lane
Beverly J. Davies	101 Gibbons Blvd., Cockeysville
Pat Jones	6 Gibbons Blvd
Rob Lee	211 Woodford Rd. Timonium (9710 Monroe St. Cockeysville)
Chris Martignoni	1804 Shawan Valley Rd. Reisterstown
Jimmy Threter	9710 Monro St.
Cheryl Ryle	9710 Monro St.
William H. Jones	9708 Monroe Street, Cockeysville
Jim Mannick	9708 Monroe St.

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PETITION

PETITION FOR ZONING RECLASSIFICATION
CORNER OF GREENSBURG AVENUE & GIBBONS BOULEVARD
PETITIONER - WARREN J. HAYS, SR.

We, the undersigned, are neighbors of the above Petitioner and live within the immediate area surrounding the subject property and are aware of and familiar with Mr. Hays' request to use a portion of his property for seasonal sales of food products and Christmas items.

We support his request and ask that you grant the zoning reclassification as described above.

NAME	ADDRESS	DATE
Bob McNeil	8 Blonder Ct.	4/4/87
Marion Mager	Timonium, MD 21083	6/14/87
Chris Perry	100 Spring Ct	6-14-87
Angie Allen	Cockeysville MD 21030	6-14-87
Chris Aschke	1100 Spring Lane	6/14/87
Elizabeth Esten	222 Dumbarton Rd	6/14/87
Pat Aschke	Timonium MD 21083	6/14/87
C. S. Turner	312 W. Greenbaum Way	7/1/87
Chris Aschke	222 Dumbarton Rd.	6/14/87
	Baltimore, Md 21212	
	33 Avon Ct	6/14/87
	Luttrell, Md 21041	7/5/87
	1 H. 2 Ave Ct	
	10712 - 21030	7/19/87

May 9, 1991

Baltimore County Board of Appeals
111 West Chesapeake Avenue
Room 315
Towson, Maryland 21204

RE: Zoning - Hays' Property

Dear Members of the Board:

I am one of the National Honor Society's Student Co-Advisors at Dulaney High School in Timonium, Maryland. For the past two years, members of the National Honor Society at Dulaney sold Christmas wreaths as part of a fundraising activity which was developed by the Hays' family and two of our members. In the history of fundraising for the National Honor Society, the Christmas wreath program has been the most successful to date. The resulting proceeds allow us to provide scholarships to graduating seniors.

I understand that the Hays family is attempting to reclassify their property for the seasonal sale of snowballs and Christmas wreaths. I urge you on behalf of the National Honor Society at Dulaney to approve the Hays' petition so that we may continue to utilize our fundraising efforts with their expertise.

Sincerely,

Elizabeth Fanto
Elizabeth Fanto
Student Co-Advisor for
The National Honor Society

EF:dpc

May 11, 1991

Baltimore County Board of Appeals
111 West Chesapeake Avenue
Room 315
Towson, Maryland 21204

RE: Zoning - Hays' Property

Dear Members of the Board:

I am one of the members of the PTA at the Jenicy School in Owings Mills, Maryland. Members of the PTA sold Christmas wreaths as part of a fundraising activity which was developed by the Hays' family and myself. The resulting proceeds allow us to help the dyslexia students at Jenicy. We will be expanding this fundraiser this year with the help of the Hays' family and expect it to be even more successful than last year.

I understand that the Hays family is attempting to reclassify their property for the seasonal sale of snowballs and Christmas wreaths. I urge you on behalf of the PTA at Jenicy to approve the Hays' petition so that we may continue to utilize our fundraising efforts with their expertise.

Sincerely,

Pea Hurvitz,
Member of the PTA,
Jenicy School

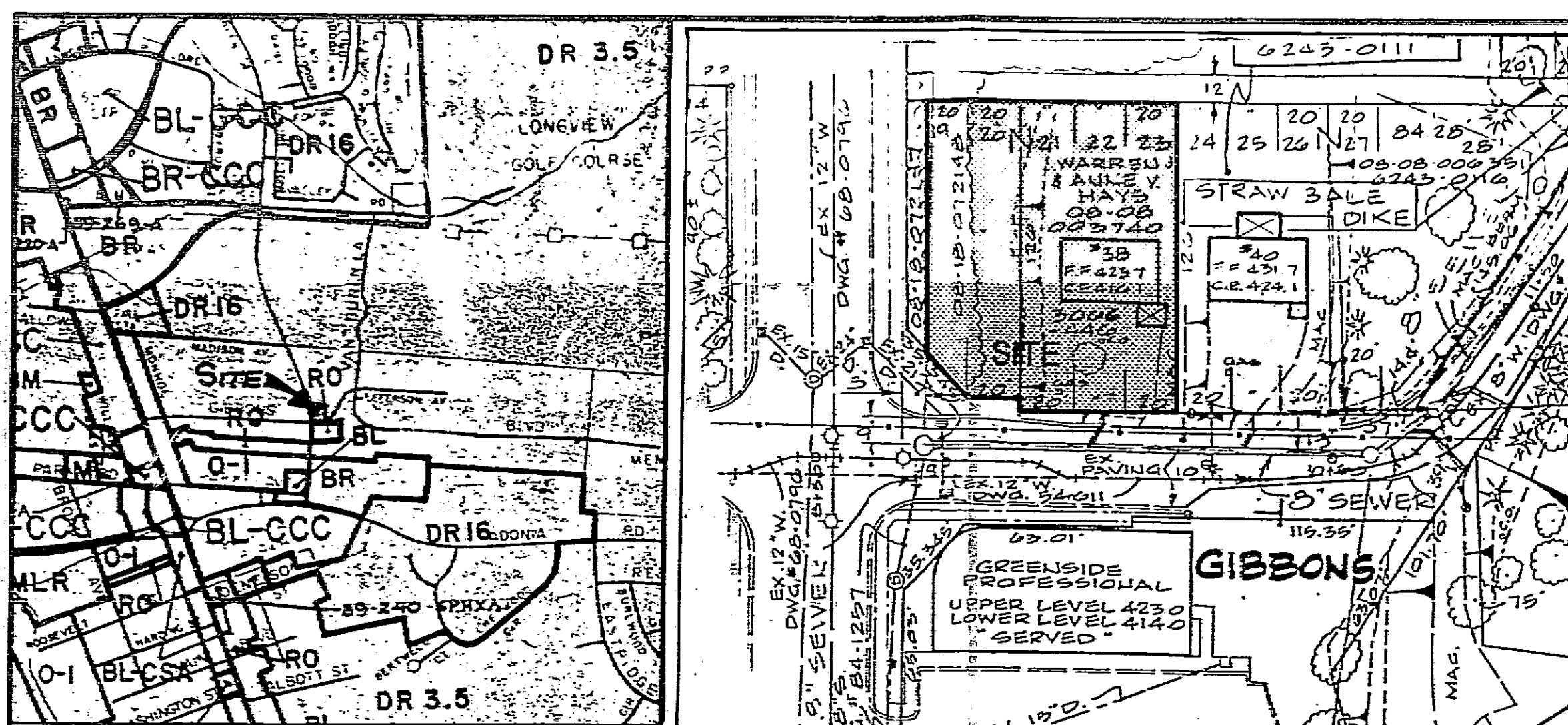
PH:dpc

HAYS PROPERTY
ENVIRONMENTAL IMPACT STATEMENT
DOCUMENTED SITE PLAN
ZONING CASE R91-116
MARCH 26, 1991

Prepared by: Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21204

Prepared for: Warren J. and Anne Hays
38 Gibbons Boulevard
Cockeysville, Maryland 21030

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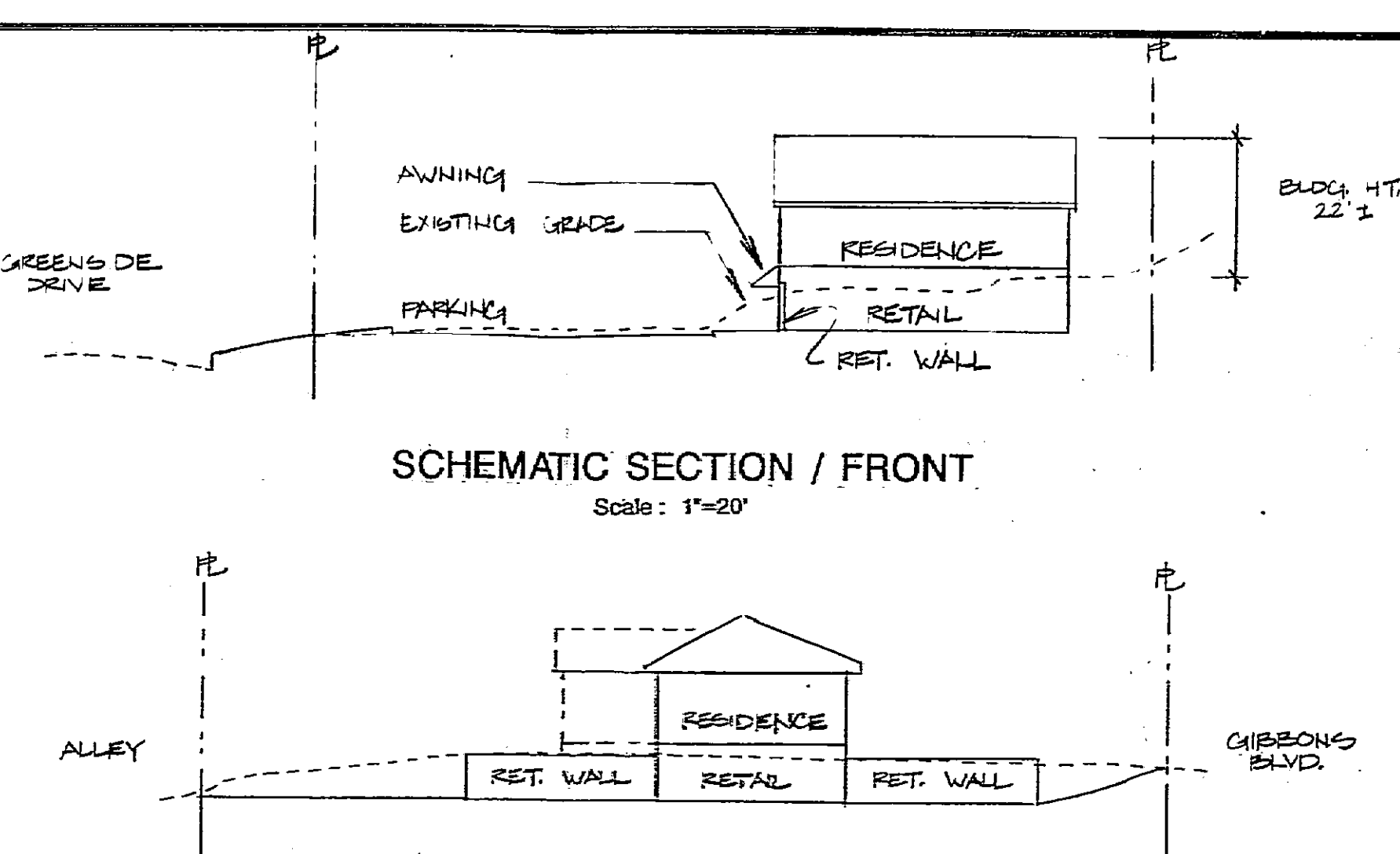


Vicinity Map

Scale: 1"=1000'

Site Utilities & Infrastructure

Scale: 1"=50'

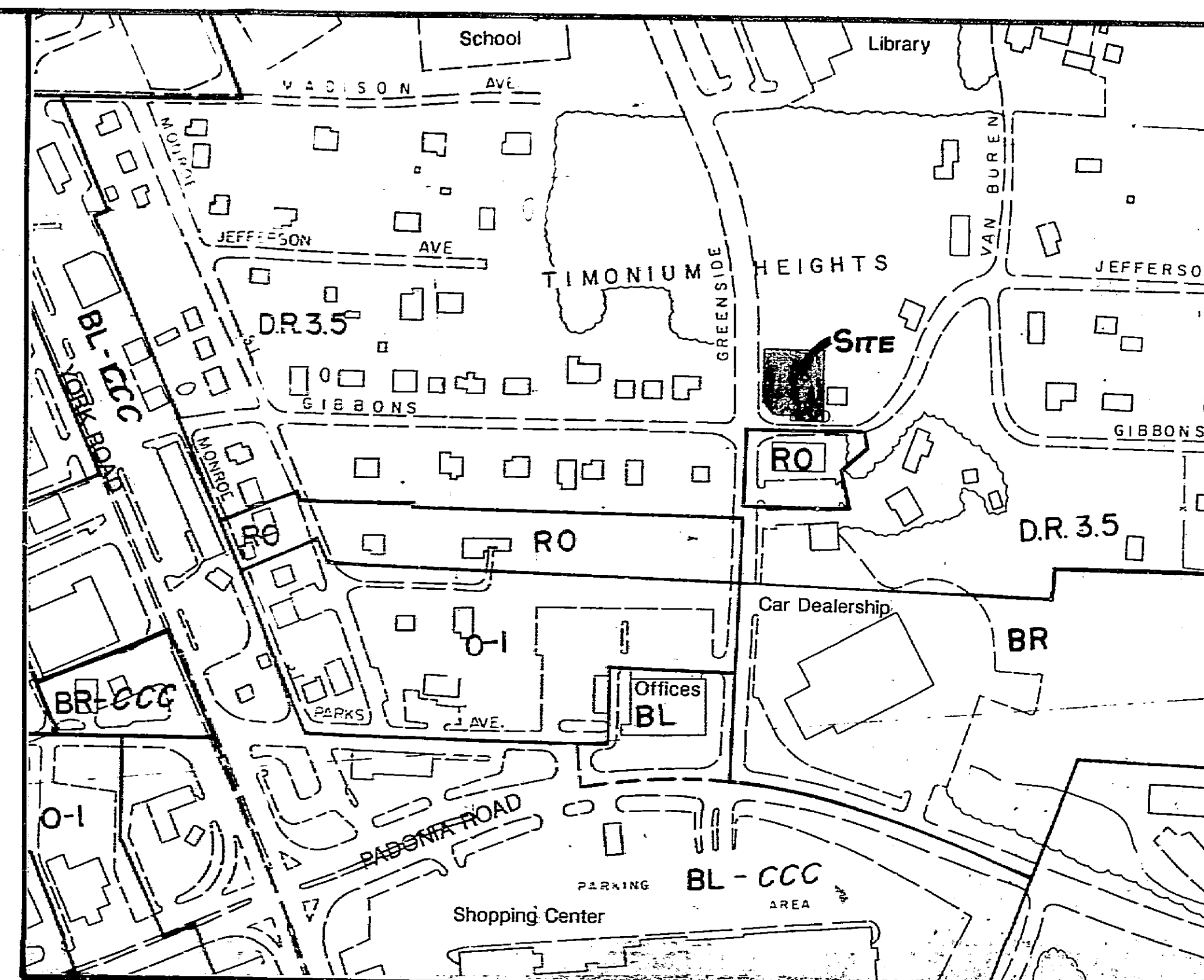


SCHEMATIC SECTION / FRONT

Scale: 1"=20'

SCHEMATIC SECTION / RETAIL SIDE

Scale: 1"=20'



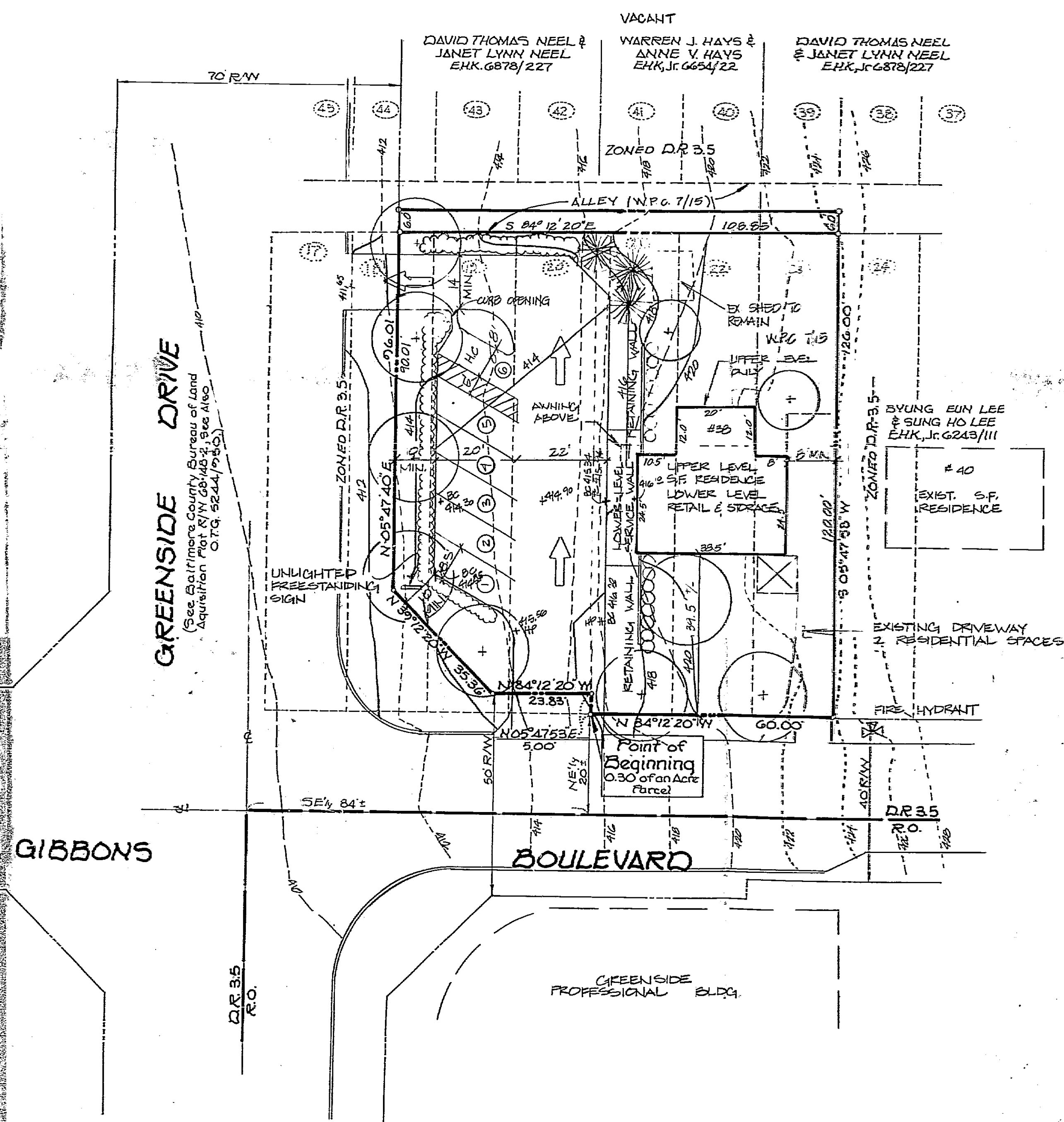
Portion of Baltimore County 1988 Comprehensive Zoning Map N.W. 15A

Scale: 1"=200'

Notes for Documented Site Plan

Case Number R91-116

1. The present single-family residential structure will be demolished. This documented site plan requires the use of the front yard or rear yard as a residential structure. The basement or lower level will be utilized for limited commercial purposes (including the sale of groceries and related products, the storage of outdoor furniture and equipment, and the storage of other items). The upper level will be utilized for residential purposes. The site plan shall also show the location of the existing structure and the location of the proposed structure. There shall be no construction of a new structure within the lower level and food or beverages shall not be sold to a substantial extent for consumption by customers in parked vehicles.
2. The existing structure shall be demolished and the site shall be prepared for the proposed structure. The site plan shall show the location of the existing structure and the location of the proposed structure.
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General Notes

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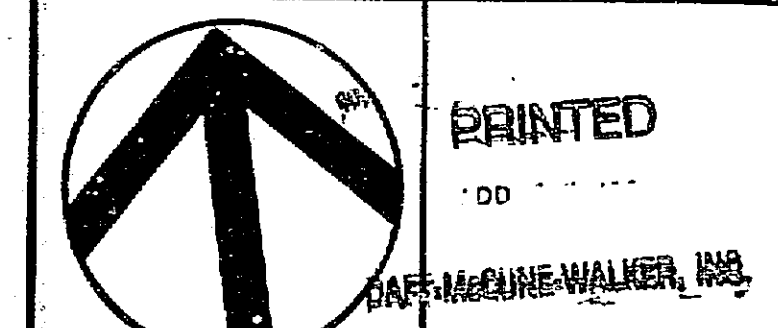
Election District 8 Council District 4

DAFT McCUNE WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS & SURVEYORS
200 E. PENNSYLVANIA AVE.
TOWSON, MD 21204
TELEPHONE: 301-256-3333

Documented Site Plan

Hays Property

38 Gibbons Boulevard



DATE	REVISIONS
3/24/91	ENHANCED DOCUMENTED SITE PLAN
2/5/91	CORRECTED

SCALE:	1"=20'
JOB ORDER NO.	90106
ISSUE DATE	August 29, 1990

R-91-116
#10
REVISED PLANS
4.5.91

